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Crl.OP.No.25281 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.25281 of 2022

Jithin Mohan

... Petitioner

Vs.

State Represented by,
The Sub Inspector of Police,
T-12 Selaiyur Police Station,
Selaiyur,
Chennai 73.
(Crime No.481 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.481 of 2022 on the file
of the respondent.

For Petitioner : Mr.P.Muthukumarasamy

For Respondent : Mr.C.E.Pratap,
Government Advocate (crl.side),



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.08.2022 for the offences punishable under Sections 8(c), 20(b) (ii) (B) and 25 of Narcotic Drugs and Psychotropic Substances Act (NDPS Act), 1985 in Crime No.481 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused was found to be in illegal possession of 6.2 Kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would submit that even as per the FIR, the contraband has been recovered from A1 and the A1 has been granted bail by the Special Court under EC & NDPS Act, Chennai in Crl.M.P.No.5152 of 2022 dated 18.10.2022. Therefore, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner was found to be in possession of 6.2 Kgs of Ganja. He would further submit that there is 1 previous case pending against the petitioner for the offence under Section 302 of IPC. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the alleged contraband is in-between quantity, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, in which, one surety should be a local surety and one surety should be a blood surety, each for a like sum to the satisfaction of the **learned Judicial Magistrate -I, Tambaram** and on



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further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall furnish his proof of permanent resident in Kerala at the time of furnishing sureties.

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the



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petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

02.11.2022

shk

To

1. The learned Judicial Magistrate-I, Tambaram
2. The Sub Inspector of Police,
T-12 Selaiyur Police Station,
Selaiyur,
Chennai 73.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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