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Crl.OP.No.25859 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

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

Crl.OP.No.25859 of 2022

Vigneshwaran

...Petitioner

Vs.

State rep by;
Inspector of Police,
T-8, Guduvanchery Police Station,
Chengalpattu District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.320 of 2022 on the file of the respondent police.

For Petitioner :Mr.R.Sadagopan

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 06.08.2022 for the offences punishable under Sections 8(c)



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read with 20(b)(ii)(A) and 22(b), 22(c), 25 and 29(1) of NDPS Act in Crime No.320 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.08.2022 at about 08.30 hrs, the respondent police received a secret information about illegal transport of narcotic substances. After receiving the information, the Sub-Inspector of Police along with his police team went near the wine shop, Madurai Meenakshipuram, Orapakkamm. Immediately, the police party conducted a check-up. At that time, the accused persons Silambu @ Silambarasan/A1, Mohammed Wasimudeen/A2, Vigneshwaran/A3/petitioner herein, Ganesh/A4, Duraiarasan/A5, Nithyanandam/A6 were found standing suspiciously. When the respondent police found MDMA Tablet – 51, which contains 19 grams and 300 grams of Ganja from the accused, they seized the contraband under the cover of seizure mahazar in the presence of witness. Thereafter, the Sub Inspector of Police arrested the accused person A1 to A6 and recorded their confession statements. The A3/petitioner herein was found in possession of 150 grams of Ganja. Hence, the case.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that as per the First Information Report, 150 grams of Ganja is stated to be recovered from him and as such, there is no material provided by the respondent police as on date to connect the petitioner with other accused. He would further submit that the petitioner is a multi tasking staff working in a corporate Company at Chennai Air Port and he has been falsely roped in this case. He would further submit that the petitioner has been arrested on 06.08.2022 and hence, prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with 5 other accused were found on the place of occurrence and from the petitioner 150 grams of ganja was recovered. He would further submit that from A1, 30 MDMA tablets each weighing 12 grams was seized, which is a commercial quantity. However, he fairly conceded that there is no



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material as of now to connect the petitioner with the other accused.

However, he vehemently opposed to grant bail to the petitioner.

6. Heard the learned counsel. Perused the counter filed by the learned Government Advocate (Crl.side) appearing for the respondent.

7. Taking into consideration the facts and circumstances of the case and that there is no material as of now to connect the petitioner with the other accused and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

8. 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 (one among the sureties shall be a blood surety)**, each for a like sum to the satisfaction of **Judicial Magistrate Court No.2 at Chengalpettu**, and on 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



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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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 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].

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

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mpl



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A.D.JAGADISH CHANDIRA, J.

mpl

To

1.The Judicial Magistrate Court No.2 at,
Chengalpattu.

2.The Inspector of Police,
T-8, Guduvanchery Police Station,
Chengalpattu District.

3.Sub Jail, Chengalpattu.

4.The Public Prosecutor,
High Court of Madras

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