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Crl.OP.No.26013 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.OP.No.26013 of 2022

Michel

... Petitioner

Vs.

The Inspector of Police,
T-17, Perumbakkam Police Station,
Chennai.
Crime No.212 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioner on bail in respect Crime No. 212 of 2022 on
the file of the Inspector of Police, T-17, Perumbakkam Police Station,
Chennai.

For Petitioner : Mr.S.Lokesh

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 17.09.2022 for the offences punishable under Sections 8(c) r/w 20(b) (ii) (B) of NDPS Act, 1985 in Crime No.212 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 19.09.2022, as per the information, the respondent police made a search in the petitioner's house, where, they have found 1.250Kg 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. The petitioner is the only breadwinner of the family. The petitioner is in prison from 17.09.2022. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner was found to be in illegal possession of 1.250 Kg of Ganja in his home. The contraband has been



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recovered from the petitioner's residence and it has been sent for the chemical analysis and awaiting for FSL report. He would submit that in this case, investigation is completed and the charge sheet to be filed shortly. 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 period of incarceration suffered by the petitioner from 17.09.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Alandoor, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and



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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 report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The learned Judicial Magistrate No.II, Alandoor, Chennai
- 2.The Inspector of Police,
Tindivanam Police Station,
Villupuram District.
3. The Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras.



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M. NIRMAL KUMAR,J.

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