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Crl.O.P.No.25738 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

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

Crl.O.P.No.25738 of 2022

Gunasekaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T 14 Pallikaranai Police Station,
Chennai.
Crime No.967 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.967 of 2022 on the file of the respondent police.

For Petitioner : Mr.J.Samiullah

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) read with Sections 22(b) & 25 of NDPS Act in Crime No.967 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant one Jayalakshmi, Sub Inspector of Police is that, the petitioner along with other accused were found in possession of 1708 Nos of Tapentadol Tydol tablets (478.24 gms). The specific overt act against the petitioner is that the petitioner was found in possession of 400 Tydol tablets. Hence, the case.

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, the contraband seized from the petitioner is not a scheduled drug under NDPS Act. Hence, he seeks 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 along with other accused were found in possession of 1708 Nos of Tapentadol Tydol tablets (478.24 gms) and petitioner was found in possession of 400 Tydol tablets. He would further submit that, apart from this case, there is no previous case pending against the petitioner, however, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and other materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submission made by the learned counsel and also considering that the seized contraband does not comes under the scheduled drug under the NDPS Act, 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 (one surety shall be either Father or Mother of the petitioner)**, each for a like sum to the satisfaction of the



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learned Judicial Magistrate -II, Alandur 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 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., until further orders.

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

[d] the petitioner shall not abscond 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;

03.11.2022

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To
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1. Judicial Magistrate -II,
Alandur.
2. The Inspector of Police,
T 14 Pallikaranai Police Station,
Chennai.
3. Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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