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Crl.OP.No.25937 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.25937 of 2022

Bharathraj.V

... Petitioner

Vs.

The State represented by its
The Inspector of Police,
Thiruttani Police Station,
Thiruvallur District.
Crime No.435 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge on bail in pending investigation in Crime No.435 of 2022
on the file of the respondent.

For Petitioner : Mr.M.Rajinikanth

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 10.09.2022 for the offences punishable under Sections 8(c), 20(b) (ii) (A) of NDPS Act, 1985 and Section 328 of IPC, in Crime No.435 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 100 grams 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 the petitioner is in custody for more than 38 days and there is no previous case pending against the petitioner. 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 along with the other accused was found to be in possession of 100 grams of Ganja. He would further submit that there is no previous case pending against the petitioner and the investigation is pending. 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 there is no previous case pending against the petitioner, 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 either



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father or mother of the petitioner, each for a like sum to the satisfaction of the

learned Judicial Magistrate, Thiruttani 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;

[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 petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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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, Thiruttani
2. The Inspector of Police,
Thiruttani Police Station,
Thiruvallur District.
3. The Sub Jail,
Thiruttani
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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