



Crl.OP.No.26405 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

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

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Shobankumar

...Petitioner

Vs.

State represented by
The Inspector of Police,
M-1 Madhavaram Police Station,
Chennai.
Cr.No.632 of 2022.

..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.632 of 2022 on the file of the respondent police.

For Petitioner :Mr.O.Chembulingam

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.09.2022 for the offences punishable under Sections 8(c)



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read with 20(b)(ii)(B) of NDPS Act in Crime No.632 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.09.2022, the petitioner was found in possession of 19 Kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested on 22.09.2022 and he is in custody for the past 56 days. He would submit that the respondent police did not follow the procedures regarding seizure and arrest as contemplated under NDPS Act. He would further submit that the petitioner is ready to furnish government surety and he 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 is an habitual offender against whom 1 previous case was registered by the Chintoor Police



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Station, East Godavari, Andhra Pradesh in Crime No.16 of 2022 for the offences under Sections 8(c) & 20(b)(ii)(C) of NDPS Act for being found in possession of commercial quantity of Ganja. Hence, he vehemently opposed to grant bail to the petitioner.

6. At this juncture, the learned counsel for the petitioner would submit that in the other case, the petitioner has been granted bail. As far as this case is concerned, it is an intermediate quantity and that the petitioner is also prepared to deposit original title deeds of immovable property not less than value of Rs.5 Lakhs along with the valuation certificate obtained from the authority concerned to the credit of Crime No.632 of 2022.

7. Heard the learned counsel. Perused the materials available on record including the counter filed by the learned Government Advocate (Crl.side) appearing for the respondent.

8. Taking into consideration the facts and circumstances of the case and also the undertaking given by the petitioner to deposit original



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title deeds of immovable property not less than value of Rs.5 Lakhs to the credit of Crime No.632 of 2022, this Court is inclined to grant bail to the petitioner.

9. Accordingly, the petitioner shall deposit original title deeds of immovable property (stand in the name of the petitioner or in name of his friends or relatives) not less than value of Rs.5,00,000/- (Rupees Five Lakhs Only) along with the valuation certificate obtained from the authority concerned to the credit of Crime No.632 of 2022 and on such deposit, 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** (Out of which one shall be a Government Surety), each for a like sum to the satisfaction of **learned District Munsif cum Judicial Magistrate, Madhavaram, Chennai**, 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 everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation



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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.

16.11.2022

mpl



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A.D.JAGADISH CHANDIRA, J.

mpl

To

- 1.The District Munsif cum Judicial Magistrate,
Madhavaram, Chennai.
- 2.The Inspector of Police,
M-1 Madhavaram Police Station,
Chennai.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

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