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Crl.OP.No.26578 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

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

Crl.OP.No.26578 of 2022

1.M.Surya

2. Siva @ Rajasekar

..Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Tindivanam Police Station.
Villupuram District
Crime No.374 of 2022

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in connection with Crime
No.374/2022 on the file of respondent police.

For Petitioners : Mr.A.N.Rajan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.10.2022 for the offences punishable under Sections 328 of IPC read with Section 20(b)(ii)(A) of NDPS Act in Crime No.374 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with five other accused were found in illegal possession of 760 Tapentadol Hydrochloride Tablets. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been arrayed as A2 and A4. Since they happened to be the friends of the main accused, there were implicated in this case. Even as per the prosecution, recovery has been made from A1, A5 and A7 and no recovery from the petitioners. The fact is that even, the contraband recovered from the other accused is also not a scheduled substance under the NDPS Act. Further, no confession has been recorded from the petitioners, however, they are



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in custody from 02.10.2022. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners along with five other accused were found in illegal possession of 760 Tapentadol Hydrochloride Tablets. However, no recovery has been made from the petitioners and the recovery has been made only from A1, A5 and A7. However, he opposed for grant of bail to the petitioners.

5. Heard the learned counsels and also perused the materials available on record.

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioners from the date of his arrest and also the age of the petitioners, this Court is inclined to grant bail to the petitioners.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) each with **two sureties, out of which, one should be a blood related surety either father or mother of the petitioners**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Tindivanam** 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[d] the petitioners 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



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petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

09.11.2022

Anu

To

1. The Judicial Magistrate No.I,
Tindivanam.
- 2.The Inspector of Police,
Tindivanam Police Station.
Villupuram District
3. Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras

A.D.JAGADISH CHANDIRA, J.

Anu



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