



CrI.O.P.No.26812 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

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

CrI.O.P.No.26812 of 2022

1. Paldinesh @ Dineshkumar

2. Viji @ Vijayakumar

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Tindivanam Police Station,
Villupuram District.

(Crime No.374 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in connection with the Crime
No.374 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.A.Udhayachandiran

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.10.2022 for the alleged offences punishable under Sections 328 IPC r/w 20(b)(ii)(A) Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.374 of 2022 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on 02.10.2022 at about 12.00hours, on receipt of a secret information about the illegal sale of Ganja near Tindivanam Theerthakulam Bridge, the Sub-Inspector of Police along with the Police team went to the place of occurrence after entering the same in the general diary, wherein, the petitioners along with the other accused were found in illegal possession of 750 Tapentadol Hydrochloride Tablets, 16 Nos. of 100 ml Non Pyrogenic sterile, 20 Nos. of Insuline Syringe and 50 grams of Ganja and the respondent have seized the contraband under the cover of seizure mahazar and registered a case in Crime No.374 of 2022 under Sections 328 IPC r/w 20(b)(ii)(A) Narcotic Drugs and Psychotropic Substances Act, 1985. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and even as per the prosecution, the



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alleged contraband recovered from the petitioners and other accused does not fall within the schedule specified under NDPS Act. He would also submit that no contraband has been recovered from the second petitioner and there is no previous case as against the petitioners under NDPS Act. He would also submit that the petitioners are in custody from 04.10.2022 and they are ready to abide by stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. The respondent has filed a detailed counter in this case.

5. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners, who are arrayed as A5 & A6 in this case, along with the other accused were found in illegal possession of 750 Tapentadol Hydrochloride Tablets, 16 Nos. of 100 ml Non Pyrogenic sterile, 20Nos. of Insuline Syringe and 50 grams of Ganja. He would further submit that as far as the first petitioner is concerned, 50 Tapentadol Hydrochloride Tablets, 3 Nos. 100 ml of Non Pyrogenic sterile and 5 Nos. of Insuline Syringe have been recovered and in respect of the second petitioner/A6 no recovery has been made. He would also submit that no case



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is pending as against the petitioners under NDPS Act. However, he would oppose for grant of bail to the petitioners.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Tindivanam** 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 petitioners shall report before the respondent Police everyday at 10.30 a.m. and 5.30p.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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

10.11.2022

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To



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1. The Judicial Magistrate-I, Tindivanam.
2. The Inspector of Police,
Tindivanam Police Station,
Villupuram District.
3. The Sub Jail,
Tindivanam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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