



Crl.O.P.No.26794 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**

Crl.O.P.No.26794 of 2022

Anbarasu

... Petitioner

Vs.

State represented by,
The Inspector of Police,
D3 Ice House Police Station,
Chennai.

(Crime No.396 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.396
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Thinesh

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 05.10.2022 for the alleged offences punishable under Sections 353, 506(i) of IPC r/w 8(c), 20(b)(ii)(A) Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.396 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 05.10.2022 at about 15.30 hours, on receipt of a secret information about the illegal sale of Ganja, the Special Sub-Inspector of Police along with his team went to the place of occurrence, wherein, the petitioner was found in illegal possession of 75 grams of dry Ganja and the respondent have seized the contraband under the cover of seizure mahazar and registered a case in Crime No.396 of 2022 under Sections 353, 506(i) of IPC r/w 8(c), 20(b)(ii)(A) Narcotic Drugs and Psychotropic Substances Act, 1985. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since, he has got some previous



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pending cases for the offences under Sections 379 and 380 IPC, the respondent has summoned him to appear before the respondent Police and since, the petitioner did not appear before them, the respondent has registered a false complaint against the petitioner, as if he was in illegal possession of 75 grams of dry Ganja. He would also submit that there is no previous case as against the petitioner under NDPS Act and only in order to curtail his activities, the respondent has falsely implicated him in this case. He would also submit that the petitioner is in custody from 05.10.2022 and he is ready to abide by stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

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 petitioner is a habitual offender against whom there are number of theft cases and he is a history sheeted rowdy in D3/HS/SUSPECT/04/2016 dated 06.11.2016. He would further submit that as far as this case is concerned, the petitioner was in illegal possession of 75 grams of dry Ganja. He would also submit that no case is



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

6. Heard the learned counsel for the petitioner 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 petitioner and taking note of the quantity recovered from the petitioner and also considering the fact that there is no previous case as against the petitioner under NDPS Act, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned II Metropolitan Magistrate, Egmore** and on further conditions that:



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[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 5.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation 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 abscond, a fresh FIR can be registered under Section 229A IPC.

10.11.2022

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To

1. The II Metropolitan Magistrate,
Egmore.
2. The Inspector of Police,
D3 Ice House Police Station,
Chennai.
3. The 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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