



Crl.O.P.No.28258 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.28258 of 2022

Jaideep

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T4, Maduravoyal Police Station,
Chennai.

(Crime No.377/2022).

... 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.377
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.S.Vinoth KUMar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.07.2022 for the alleged offences punishable under Sections 8(c) read with Section 20(b)(ii)(B) and 29(1) of the NDPS Act, 1985 in Crime No.377 of 2022, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 6.30 kilograms of Ganja, which is a intermediate quantity. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that this is the second bail application before this Court and this Court had earlier dismissed the bail application in respect of the present petitioner in Crl.O.P.No.25853 of 2022 by an order dated 20.10.2022 stating that the petitioner has got six previous cases. He further submitted that the petitioner is in custody from 09.07.2022, hence, he prayed to grant bail to the petitioner.



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

5.Per contra, the learned Government Advocate (Crl.Side) would submit that, the petitioner was found in possession of 6.300 kgs of ganja and would further submit that, apart from this case, there are six previous cases pending against the petitioner, out of which four cases are similar in nature and this is his second bail application before this Court. Therefore, he vehemently opposed to grant bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) 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 and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate - II, Poonamallee**, and on further conditions that:

[a] if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] 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., for a period of three months;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] the petitioner shall not abscond during 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



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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]***; and;

[g]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

07.12.2022

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To

- 1.The Judicial Magistrate - II,
Poonamallee,
- 2.The Inspector of Police,
T4, Maduravoyal Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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