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Crl.OP.No.27611 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

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

Crl.OP.No.27611 of 2022

Vallarasu

... Petitioner

Vs.

State Rep by
The Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai.
Crime No.122 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.122 of 2022 on the file
of the Principal Special Judge, Special Court for Exclusive Trial of Cases
under NDPS Act, at Chennai.

For Petitioner : Mr.A.Apunu

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 08.10.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 29(1) of NDPS Act, 1985 in Crime No.122 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused was found to be in illegal possession of 4 Kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case based on the confession of other accused. He would submit there is no recovery from the petitioner. Since the petitioner has got some previous cases, the respondent police has roped him in this case. He would submit that the petitioner is aged about 22 years and the petitioner is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner along with the other accused was found to be in possession of 4 Kgs of Ganja. He would further submit that the petitioner is an habitual offender and there are three previous cases pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, 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 surety should be the



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mother of the petitioner each for a like sum to the satisfaction of the **learned**

XVI Metropolitan Magistrate at George Town 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 daily at 10.30 am and 5.30 pm 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



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can be registered under Section 229A IPC.

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shk

To

1. The learned XVI Metropolitan Magistrate at George Town
2. The Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai.
3. The Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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