



Crl.OP.No.28853 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 29.11.2022**

**CORAM**

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

**Crl.OP.No.28853 of 2022**

Rithish Kanna @ K.Nithish Kanna

... Petitioner

Vs.

State, Represented by,  
The Inspector of Police,  
Tindivanam Police Station,  
Villupuram District.  
Crime No.429 of 2022

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail in Crime No.429 of 2022 on the file  
of the respondent police.

For Petitioner : Mr.T.Mohan

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 06.11.2022 for the offences punishable under Section 328 of IPC and Section 20(b)(ii)(A) of NDPS Act, in Crime No.429 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 50 grams of Ganja and Topycyntha Tablet 100 mg-13. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would submit that the petitioner is aged about 22 years and he is a college student. He would submit that the petitioner is in custody for the past 23 days and that 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 was found to be in possession of 50 grams of Ganja and Topycynta Tablet 100 mg-13. He would further submit that the petitioner has no previous case pending against him. However, 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 also considering the fact that the quantity of the contraband recovered from the petitioner is a non commercial quantity and the rigors of Section 37 of NDPS Act will not be applicable to him, 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**, in which, one surety should be either



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father or mother of the petitioner, each for a like sum to the satisfaction of the **learned Judicial Magistrate I, Tindivanam Villupuram** 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;

**[c] the petitioner shall report before the respondent Police daily at 6.30 p.m., until further orders;**

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or 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 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]**;



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[g] If the accused thereafter abscond, a fresh  
FIR can be registered under Section 229A IPC.

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shk

To

1. The learned Judicial Magistrate I, Tindivanam Villupuram
2. The Inspector of Police,  
Tindivanam Police Station,  
Villupuram District.
3. The Central Prison,  
Cuddalore
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA,J.**

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**29.11.2022**