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CrI.O.P.No.29013 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM

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

CrI.O.P.No.29013 of 2022

Roshan Shiva

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T3, Pallavaram Police Station,
Chennai.

(Crime No.830/2022).

... 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.830
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.S.Amalraj

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



Crl.O.P.No.29013 of 2022

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.10.2022 for the alleged offences punishable under Sections 8(c) r/w Sections 20(b)(ii)(B) and 29(1) and 25 of the NDPS Act, 1985 in Crime No.830 of 2022, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 1.200 kilograms of Ganja, which is a intermediate quantity. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in custody from 23.10.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) submitted that the petitioner was found in illegal possession of 1.200 kgs of



Crl.O.P.No.29013 of 2022

Ganja. He further submitted that there is no previous case pending against him. However, he opposed for grant of bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.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.

7. 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, Tambaram**, and on further conditions that:

[a] if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from



Crl.O.P.No.29013 of 2022

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 6.00 p.m., for a period of two 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 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.

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Crl.O.P.No.29013 of 2022

To

- 1.The Judicial Magistrate - II,
Tambaram,
- 2.The Inspector of Police,
T3, Pallavaram Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.29013 of 2022

T.V.THAMILSELVI,J.

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Crl.O.P.No.29013 of 2022

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