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Crl.OP.No.29725 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.29725 of 2022

Arun Pandiyan

..Petitioner/A1

Vs.

State: Inspector of Police,
S 1, St.Thomas Mount Police Station,
Chennai
crime No.42 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.42 of 2022 on the file of the respondent.

For Petitioner : Mr.M.Mohamed Riyaz
for Mr.K.Elumalai

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to Judicial
custody on 15.03.2022 for the alleged offence punishable under Sections



CrI.OP.No.29725 of 2022

8(c), 21(c), 25 and 29(1) of NDPS Act 1985, in Crime No.42 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.03.2022 at about 08.00 a.m., based on the secret information, when the respondent searched the place of the accused, they were found in possession of 56 grams of Methamphetamine and subsequently seized the contraband. Hence the complaint.

3. The learned Additional Public Prosecutor submitted that there are totally five accused in this case in which, the petitioner is arrayed as A1 and he was in possession of more than 56 grams of Methamphetamine and it is commercial quantity. Hence, he vehemently opposed to grant bail to the petitioner.

4. The learned counsel for the petitioner would submit that even according to the case of the prosecution, the petitioner was not found in possession of any contraband. He was in possession of cash to



CrI.OP.No.29725 of 2022

the tune of Rs.51,950/-. That apart, after recording the confession statement of A3 to A5, FIR was registered adding the petitioner as the first accused. He would further submit that the petitioner has no previous cases pending against him.

5. It is seen that after recording confession only, FIR was registered. That apart, A2 was found in possession of Methamphetamine weighing 60 grams, whereas the petitioner was in possession of cash. Therefore, the petitioner satisfied the twin conditions as contemplated under Section 37 of NDPS Act. As such, this Court is inclined to grant bail to the petitioner.

6. 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 blood related sureties, each for a like sum to the satisfaction of **the learned Judicial Magistrate Court, Alandur, Chennai** and on further conditions that :-



CrI.OP.No.29725 of 2022

WEB COPY

[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 a.m. and 05.30 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 absconds, a fresh FIR can be registered under Section 229A IPC.

02.12.2022

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CrI.OP.No.29725 of 2022



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CrI.OP.No.29725 of 2022

G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned Judicial Magistrate Court,
Alandur,
Chennai
- 2.Inspector of Police,
S 1, St.Thomas Mount Police Station,
Chennai
- 3.Central Prison,
Puzhal, Chennai
- 4.The Public Prosecutor,
High Court of Madras

CrI.O.P.No.29725 of 2022

02.12.2022