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CrI.O.P.No.5387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

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

CrI.O.P.No.5387 of 2023

Sriram

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-9, Maraimalai Nagar Police Station,
Tambaram.

(Crime No.27 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in connection with the

Crime No.27 of 2023, pending investigation on the file of the respondent

Police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.01.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act, in Crime No.27 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of secret information, the respondent Police and his team went to the scene of occurrence and conducted a search, wherein, they found that the accused was in illegal possession of 2.1 kgs of Ganja. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He further submitted that the petitioner is in custody from 19.01.2023, hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner was found to be in illegal



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possession of 2.1 kgs of Ganja. He further submitted that there are two previous cases pending as against the petitioner. Therefore, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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**, (out of which, one surety should be either father or mother of the petitioner and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Chengalpattu**, and on further conditions that:



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[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 everyday at 5.30 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 abscond, a fresh FIR can be registered under Section 229A IPC.

07.03.2023

vk

To



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1. The Judicial Magistrate No.II,
Chengalpattu.
2. The Inspector of Police,
T-9, Maraimalai Nagar Police Station,
Tambaram.
3. The Sub Prison,
Chengalpattu.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

vkr

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