



Crl.O.P.No. 7905 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

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1. Kumaran

2. Tamilselvi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
PEW Guduvancherry Police Station,

(Crime No.51 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.51 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.Parthiban

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 23.02.2023, for the offence punishable under Sections 8(c) read with 20(b)(ii)(B), 25 and 29(1) of NDPS, in connection with Crime No.51 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution the petitioners are husband and wife and they were found in possession of 2.4 Kgs Ganja. Hence the complaint.

3. Learned Counsel for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the second petitioner has been granted bail by the Special Court and hence, this petition has become infructuous in so far as the second petitioner is concerned. He would submit that the first petitioner has been in judicial custody from 23.02.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the first petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that first petitioner is a habitual offender and there is one previous case pending against him. As far as the second petitioner is concerned, there is no previous case is pending against her. However, he opposed for grant of bail to the first petitioner.

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

6. In view of the fact that the second petitioner has already been granted bail by the Special Court, this petition has become infructuous in so far as the second petitioner is concerned. **Accordingly, this Criminal Original Petition is dismissed as infructuous insofar as the second petitioner is concerned.**

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the first petitioner, this Court is inclined to grant bail to the first petitioner with certain conditions.



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8. Accordingly, the **first petitioner** is directed to make a non refundable **deposit of Rs.10,000/- (Rupees Ten Thousand only)** to the **credit of the Chair Person, Juvenile Justice Board, Kellys, Chennai**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 No.1, Tambaram.**

[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 6.30 a.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



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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.

13.04.2023

mfa

To

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



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A.D.JAGADISH CHANDIRA.,J.

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