

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.O.P.No.8826 of 2023

Karthick

... Petitioner/A1

Vs.

The State represented by,
The Inspector of Police,
PEW Adyar Police Station,
Chennai.

(Crime No.54 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.54 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mrs.M.Rakhi

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.02.2023 for the offence under Sections 8(c), 22(b), 29(1) of Narcotic Drugs & Psychotropic Substances Act 1985, in Crime No.54 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.02.2023, when the respondent police made a search, wherein, they found that the accused were in illegal possession of 640 tablets of TYDOL 100 MG and 8 SYRINGES. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. She would submit that the contraband, alleged to have been seized from the petitioner, is not a schedule substances. She further submitted that the petitioner is in custody for more than 66 days, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police opposed for granting bail to the petitioner stating that the petitioner along with other accused was found to be in illegal possession of 640 tablets of TYDOL 100 MG and 8 SYRINGES. He further submitted that the petitioner has no previous case against him. However, he prayed for dismissal of the petition.

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, the submissions made by the learned counsel for the petitioner 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties** (out of which, one should be the blood surety, who

should produce document to show his/her means) each for a like sum to the satisfaction of the **learned XXIII Metropolitan Magistrate, Saidapet** 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;

[b] the petitioner shall report before respondent police everyday at 6.30 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.

24.04.2023

mpa

To

1. The XXIII Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
PEW Adyar Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

mpa

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