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Crl.O.P.No.9191 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

Crl.O.P.No.9191 of 2023

Gatera Ami De Jehovah

... Petitioner

Vs.

The State by,
The Inspector of Police
Annamalai Nagar Police Station,
Cuddalore.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to release the petitioner herein on bail in Crime No.86 of 2023 on the
file of the respondent police herein.

For Petitioner : Mr.C.Ganesh Pandian

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 21.03.2023, for the offences punishable under Sections 8(c), 20(b)(ii)(A)
of Narcotic Drugs & Psychotropic Substances Act, 1985 and Section 14 of
Foreigners Act 1946, in Crime No.86 of 2023, on the file of the respondent
police, seeks bail.



2. The case of the prosecution is that on 21.03.2023, the petitioner was found in possession of 80 grams of Ganja. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Even as per the prosecution, the quantity of Ganja alleged to have been recovered from the petitioner is only 80 grams which is very small quantity and that the petitioner has been suffering incarceration for more than 60 days from 21.03.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that the petitioner was found in possession of 80 grams of Ganja and he is a Rwanda national and he is over staying in India.

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



6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner and that the quantity involved in this case is very minimum quantity, this Court is inclined to grant of 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Chidambaram**, 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 the respondent police everyday at 06.30 p.m. until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

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To

1. The Judicial Magistrate – I, Chidambaram.
2. The Inspector of Police
Annamalai Nagar Police Station,
Cuddalore.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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