



CrI.O.P.No.10748 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

CrI.O.P.No.10748 of 2023

Suman

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Oragadam Police Station,
Kancheepuram District.
(Crime No.160 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the case in
Crime No.160 of 2023 on the file of the respondent police.

For Petitioner : Mr.A.R.Suresh

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 27.03.2023, for the offences punishable under Sections 8(c) and
20(b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act,1985 in
Crime No.160 of 2023, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 27.03.2023, while the respondent police along with his team was on patrol duty, the petitioner along with other accused was found in possession of prohibited substances like Cannabis weighing 1100 grams in a white colour plastic bag. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 27.03.2023 and that he is ready to abide by any stringent conditions. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police vehemently opposed to grant bail to the petitioner stating that the petitioner along with other accused was found in possession of prohibited substances like Cannabis weighing 1100 grams in a white colour plastic bag. He further submitted that the petitioner has got two previous cases against him out of which, one case is for the offence under Section 302 IPC.



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5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police and perused the materials available on record.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten Thousand Only)** with **two sureties each** for a like sum to the satisfaction of the learned Judicial Magistrate, Sriperumbudur, 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 10.30 a.m. until further orders;

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



CrI.O.P.No.10748 of 2023

[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.

10.05.2023

ssi/kmi

To

1. The Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police,
Oragadam Police Station,
Kancheepuram District.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.10748 of 2023

SUNDER MOHAN,J.,

ssi/kmi

CrI.O.P.No.10748 of 2023

10.05.2023