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CrI.O.P.No.11041 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

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

CrI.O.P.No.11041 of 2023

Stephen Raj

... Petitioner

Vs.

State Rep by
Inspector of Police,
PEW Tambaram Police Station,
Tambaram,
Chennai.
Crime No.83 of 2023.

... Respondent

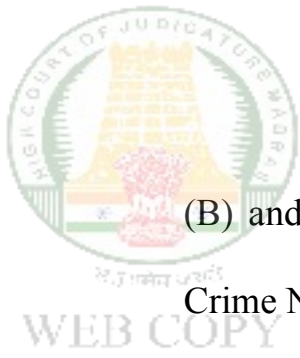
PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused herein on bail in Crime No.83 of
2023 on the file of the respondent/complainant i.e., on the file of the
Inspector of Police, PEW Tambaram Police Station, Chennai.

For Petitioner : Mr.P.Narayanamoorthy

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 15.03.2023, for the offences punishable under Sections 8(c), 20(b) (ii)



(B) and 29(i) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.83 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was intercepted by the respondent police and found that the petitioner along with other accused was in illegal possession of 4.200 kgs Ganja. 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. Even as per the prosecution version, the quantity of contraband alleged to have been recovered from the petitioner is only 4.200 kgs, which is an intermediate quantity. He further submitted that the petitioner has been in judicial custody from 15.03.2023 and he is ready to abide by any stringent conditions that may be imposed on him. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is arrayed as A2. The petitioner along with other accused was found in illegal possession of 4.200 Kgs of Ganja. He further submitted that there is no previous case pending



against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

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

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 bonds 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;



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[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;

[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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Lpp/mpa



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To

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



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SUNDER MOHAN,J.,

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