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Crl.O.P.No.11221 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11221 of 2023

1. Sumaiya
2. Anarkali

Petitioners/Accused

Vs.

State Rep by
The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.113 of 2023 on the file
of the respondent police.

For Petitioner : Mr.A.Elumalai

For Respondent : Mr.N.Muthuvel
Government Advocate (Crl.side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 11.04.2023 for the offences punishable under Sections 8(c) r/w.
20(b)(ii)(B) of 29(i) Narcotic Drugs and Psychotropic Substances Act, 1985,



in Crime No.113 of 2023 on the file of the respondent police, seek bail.

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2.The case of the prosecution is that on receipt of a secret information, the respondent Police along with a team, went to the scene of occurrence and conducted a search and during which, the petitioners/A1 & A2 were in possession of 1.250 Kg of Ganja. Hence the case.

3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. Even as per the prosecution, the alleged quantity of Ganja is intermediate quantity and that the petitioners have been suffering incarceration from 11.04.2023. Hence, he prayed to grant bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of bail to the petitioners stating that the petitioners were found in possession of 1.250 Kg of Ganja to be sold to public people. There are one previous case against the first accused and two previous cases against the second accused. Hence he opposed to grant bail to the petitioners.



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5.Heard the learned counsel for the petitioners 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 and considering the period of incarceration undergone by the petitioners and also considering the quantity of the contraband, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Alandur**, 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 petitioners shall report before the respondent Police everyday at 10.30 a.m., until further orders;



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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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bkn/ssr



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To

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1. The Judicial Magistrate No-II, Alandur
2. The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai.
3. The Special Central Prison-women,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

bkn/ssr

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