



WEB COPY



Crl.O.P.No.11322 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11322 of 2023

Alakarsamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P.E.W.-Poonamallee Police Station,
Chennai.
(Crime No.153 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail concerned in Crime No.153 of 2023
pending on the file of the respondent police.

For Petitioner : Mr.N.Arun Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 31.03.2023 for the offences punishable under Sections 8(c) r/w.



Crl.O.P.No.11322 of 2023

20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.153 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on receipt of a secret information, the respondent Police along with his team, went to the scene of occurrence and conducted a search, during which, the petitioner was in possession of 11.600 kgs of Ganja. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Even as per the prosecution, the alleged quantity of Ganja is intermediate quantity and that the petitioner has been suffering incarceration from 31.03.2023. Hence, he prayed to grant bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of bail to the petitioner stating that the petitioner who is the sole accused was found in possession of 11.600 kgs. of Ganja to be sold to school and college students. There are two previous cases against the petitioner.



Crl.O.P.No.11322 of 2023

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 and considering the period of incarceration undergone by the petitioner and also considering the quantity of the contraband, 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Poonamallee**, 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 every Monday at 10.30 a.m., until further orders;



CrI.O.P.No.11322 of 2023

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

17.05.2023

vum/vga



Crl.O.P.No.11322 of 2023

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To

1. The Judicial Magistrate No-I, Poonamallee.
2. The Inspector of Police
P.E.W.-Poonamallee Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.11322 of 2023

A.A.NAKKIRAN, J.

vum/vga

Crl.O.P.No.11322 of 2023

17.05.2023