



Crl.O.P.No.11566 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

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THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.11566 of 2023

Tamilselvan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
V-4, Rajamangalam Police Station,
Chennai.

(Crime No.175 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.175 of 2023, on the file
of the respondent police.

For Petitioner : Mr.M.Illiyas

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



CrI.O.P.No.11566 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.04.2023, in connection with Crime No.175 of 2023 registered for the offences punishable under Sections 8(c) r/w 20(b) (ii) (B), 25, 29(1) of NDPS Act, 1985, seeks bail.

2.The case of the prosecution is that on 27.04.2023, based on the secret information, when the respondent police was conducting inspection at the place of scene of occurrence, they found the petitioner along with 2 other accused were illegally transporting 2.500 Kgs of ganja in a car viz., Maruti Suzuki Ertiga Gray Colour. Hence the case.

3. Learned counsel for the petitioner submitted 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 27.04.2023 and hence, he prayed for grant of bail to the petitioner.



CrI.O.P.No.11566 of 2023

WEB COPY

4. Learned learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner along with other accused were illegally transporting 2.500 kgs of ganja in a Maruti Suzuki Ertia car, which is a non-commercial quantity i.e intermediate quantity. Totally, there are three accused in this case and the petitioner is A3. He further submitted that investigation is in initial stage and the lab report is not yet received. Hence, he strongly opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 22 days and the contraband involved in the present case is non-commercial quantity, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned VI Metropolitan Magistrate, Egmore**, and on further conditions that:



CrI.O.P.No.11566 of 2023

[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 on every Saturday 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.

18.05.2023

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CrI.O.P.No.11566 of 2023

To

1. The VI Metropolitan Magistrate
Egmore, Chennai.
2. The Inspector of Police,
V-4, Rajamangalam Police Station,
Chennai.
3. The Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.11566 of 2023

A.A.NAKKIRAN, J.

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Crl.O.P.No.11566 of 2023

18.05.2023