



Crl.O.P.No.12944 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.12944 of 2023

Vigneshkumar

... Petitioner

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police
C-1, Sriperumbudur Police Station
Kanchipuram District

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.380 of 2023 on the file of the respondent police.

For Petitioner : Mr.M.Illiyas

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)



ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on **28.04.2023** for the offences punishable under Sections 8(c), 20(b)(ii)(B), 29(1) of NDPS Act, 1985 in Crime No.380 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 1Kg.100 Grams of Ganja. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case since he has got two previous cases and that the petitioner has been languishing in jail for more than 40 days from 28.04.2023. However, on instructions he would submit that the petitioner without prejudices to his defence, is ready and willing to deposit a substantial amount to any Charitable Institution as may be directed by this Court and he prayed for grant of bail to the petitioner.



WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent vehemently opposed for grant of bail to the petitioner stating that the petitioner/A1 along with other accused/A2 was found in possession of 1Kg. 100 Grams. of Ganja and he has got 2 previous cases under Indian Penal Code. However, he would submit that there is no other case pending against the petitioner under NDPS Act.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and 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 directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** by way of **RTGS/NEFT to the credit of "Advocate Clerks Association, Ponneri"**, without prejudice to his



rights and contentions before the trial Court, on such deposit and production of proof, 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;

[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



Crl.O.P.No.12944 of 2023

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.

12.06.2023

ksa-2

To

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



Crl.O.P.No.12944 of 2023

A.D.JAGADISH CHANDIRA,J.,

ksa-2

Crl.O.P.No.12944 of 2023

12.06.2023