



Crl.O.P.No.13210 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

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

Crl.O.P.No.13210 of 2023

Vijay

... Petitioner

Vs.

State represented by
The Inspector of Police,
D-2 Anna Salai Police Station
Chennai District
(Crime No.135 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.135 of 2023
on the file of the respondent.

For Petitioner : Mr.N.Suriyamuthu

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 19.05.2023 for the offences punishable under **Sections 294(B), 353, 506(2) IPC and Section 8(c) read with 20(b)(ii)(A) & 25 of NDPS Act and Section 25(1)(a) of Arms Act**, in Crime No.135 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.05.2023, the petitioner was found selling Ganja and when the police party had attempted to apprehend him, he abused them with filthy language and also threatened them with Patta Knife. Subsequently, he was arrested and from him 200 Grams of Ganja was recovered. 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. The fact remains that the petitioner has got few previous cases against him registered for the offence under Indian Penal Code and the police in order to keep him in continuous detention, has foisted the false case against him as if, the petitioner was found in possession of minimum quantity of Ganja. He further submitted that the petitioner has been languishing in jail for more than 25 days from 19.05.2023. Hence, he prayed for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner was found selling Ganja and when the police party had attempted to apprehend him, he had abused them with filthy language and also threatened them with Patta Knife. He further submitted that the petitioner is a habitual offender against whom there are several cases pending under Indian Penal Code as well as City Police Act.

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

6. Considering the facts and circumstances of the case, 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 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 Jnd Metropolitan Magistrate, Egmore, Chennai**, 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 09.00 a.m. and 06.00 p.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 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]*;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

14.06.2023

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To

1. The IInd Metropolitan Magistrate, Egmore, Chennai
2. The Inspector of Police,
D-2 Anna Salai Police Station
Chennai District
3. The Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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