



Crl.OP.No.16218 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

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A.Adhithyan

..Petitioner

Vs.

State Rep by its,
The Inspector of Police,
T-7, Otteri Police Station,
Tambaram.
Crime No.135 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.135 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.Ajith Kumar

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.06.2023 for the offences punishable under Sections 8(C) read with Section 20(b((ii)(B), 25, 29(1) NDPS Act in Crime No.135 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in a case registered for the offence under Section 8(C) read with Section 20(b((ii)(B), 25, 29(1) NDPS Act in Crime No.135 of 2023. Petitioner is in Judicial Custody from 30.06.2023. Thus, he seeks bail to the petitioner.

3. In response, the learned Government Advocate (Crl. Side) opposes the petition on the ground that, on 29.06.2023 at about 12.30.a.m., respondent police on prior information intercepted a vehicle bearing Reg.No.TN 42 Q 3503 Toyota Etios at Service Road, Bye Pass Salai, they found found that the accused was found in illegal possession of 2.2 kgs of ganja. Petitioner has no similar previous case.



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4. Considering the nature, facts and circumstances of the case and the alleged contraband is an intermittent quantity and the vehicle involved had been recovered from the petitioner and the petitioner has no previous case pending against him and the petitioner is in Judicial Custody from 30.06.2023 and that, material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. 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 **Judicial Magistrate No.II, Chengalpattu** 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 deposit a non-refundable sum of Rs.10,000/- (Rupees Ten Thousand



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Only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; Payment of this amount will not amount to admission of guilt of the petitioner.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh



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FIR can be registered under Section 229A IPC.

21.07.2023

Sma

To

1. Judicial Magistrate II,
Chenagalpattu.
2. The Inspector of Police,
T-7, Otteri Police Station,
Tambaram.
3. District Sub Jail,
Chengalpattu.
4. The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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