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CrI.OP.No.20606 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

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

CrI.OP.No.20606 of 2023

Jegadeesan

...Petitioner

Vs.

State Rep. By
Inspector of Police,
T-2, Chrompet Police Station,
Chenani.
Crime No.224 of 2023

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.224 of 2023 on the
file of the respondent police.

For Petitioner : Mr.J.Sriram Tilak

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.07.2023 for the offences punishable under Sections 8(c), 22(a), 29(1) of NDPS Act, 1985 in Crime No.224 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 offences under Sections 8(c), 22(a), 29(1) of NDPS Act, 1985 in Crime No.224 of 2023. Petitioner is in Judicial Custody from 11.07.2023. Thus, he seeks bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, on secret information, defacto complainant along with police party mounted surveillance near Kothandan Nagar ground, Chrompet. At about 9.30 a.m., respondent police found three persons with white colour polythene cover. They identified themselves as Prakash and Karthick. The defacto complainant introduced themselves and other police party. After following necessary procedure, a search



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was conducted and in the polythene covers, 50 strips containing 15 tablets of Nitrazepam tablets (Netravet-10), weighing 7.5 grams was found. There were totally 750 tablets. The contraband and cell phone of the accused were seized. The accused were arrested and remanded to judicial custody. Later, this case came to be registered. He further submitted that, petitioners have no previous case pending against them. Thus, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

5. As per the entry No.221 of Notification specifying small and commercial quantity of NDPS Act, 20 grams is treated as small quantity.

5.1 .Considering the fact that, contraband has been seized and that the petitioners are in judicial custody from 11.07.2023 and that, this is the 1st case registered against the petitioners under NDPS Act, and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners with conditions.

6. Accordingly, the petitioner is ordered to be released on bail



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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 **District Munsif cum Judicial Magistrate, Pallavaram** 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 without prejudice to his defence shall deposit a non-refundable sum of **Rs.10,000/-**, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the



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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 FIR can be registered under Section 229A IPC.

08.09.2023

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To

1.The District Munsif cum Judicial Magistrate,
Pallavaram.



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2.The Inspector of Police,
T-2, Chrompet Police Station,
Chenani.

3.Puzhal Prison,
Chennai.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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