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Crl.O.P.No.22113 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

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

Crl.O.P.No.22113 of 2023

Thirumalai

...Petitioner

Vs.

The State Rep by
Inspector of Police,
Nungambakkam Police Station,
Chennai District.
(Crime No.156 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.156 of 2023 on the file of the respondent Police.

For Petitioner : Mr.G.Saravanabhavan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.08.2023 for the offences punishable under Sections 8 (c) r/w 22 (b), 25 & 29 (1) of Narcotic Drugs and Psychotropic Substances Act,



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1985, in Crime No.156 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Crime No.156 of 2023 for the offences under Sections 8 (c) r/w 22 (b), 25 & 29 (1) of Narcotic Drugs and Psychotropic Substances Act, 1985. Petitioner is in judicial custody from 04.08.2023. Thus, he prays for grant of bail.

3.In response, the learned Additional Public Prosecutor submitted that defacto-complainant and Police party on the basis of secret information mounted surveillance near MLM Marriage Hall, Mahalingapuram Bridge. At about 13.00 hours on 04.08.2023, petitioner namely Thirumalai was found along with other accused namely Ganesh, Prithiviraj and Malathy under suspicious circumstances. After following necessary procedure, a search was conducted. Accused Ganesh produced white colour polythene cover, Apple phone -2, Oppo cellphone -1, Samsung Cellphone – 1 and two-wheeler bearing No.TN 05 CH 365. On further search, petitioner and other accused were found with illegal



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possession of 21g of Methamphetamine. Contraband and other materials were seized. It is the first case registered against the petitioner under NDPS Act. However, he prays for dismissal of this petition.

4.Considered the rival submissions and perused the records.

5.Considering the fact that the contraband had been seized, which is an intermediate quantity and that this is a first case registered against the petitioner under NDPS Act, that petitioner is in judicial custody from 04.08.2023 and that material part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with 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 XIV – Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that :-



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[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 respondent Police daily at 10.00.a.m., until further orders.



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[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.

26.09.2023

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To

- 1.The XIV Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
Nungambakkam Police Station,
Chennai District.
- 3.Central Prison,
Puzhal, Chennai.



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4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.

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