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CrI.OP.No.25899 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.OP.No.25899 of 2023

Surya

...Petitioner

Vs.

The State rep. By
The Inspector of Police,
T-8, Guduvanchery Police Station,
Chengalpattu District.
Crime No.492 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.492 of 2023 on the
file of the respondent police.

For Petitioner : Mr.R.Maran

For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.10.2023 in Crime No.492 of 2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) NDPS Act, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. He further stated that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

3.The learned Government Advocate (Crl. Side) stated that the petitioner was found in possession of 1.250 kgs of ganja. There are six previous cases relating to IPC offences pending against the petitioner. But there are no previous cases under NDPS Act. However, he opposed to grant bail to the petitioner.



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5. Taking into consideration the period of incarceration and the quantity of ganja seized and the fact that there are no previous cases under NDPS act as against the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 **Judicial Magistrate No.II, Chengapattu**, 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 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.



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[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

10.11.2023

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To

1. The Judicial Magistrate No.II, Chengalpattu.

2.The Inspector of Police,
T-8, Guduvanchery Police Station,
Chengalpattu District.

3.Central Prison,
Puzhal.

4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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