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Crl.O.P.Nos. 1004 & 623 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

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

Crl.O.P.Nos. 1004 & 623 of 2024

Santhosh ... Petitioner/Accused 2 in Crl.O.P.No.
1004/2024

Syamala ... Petitioner/3rd Accused in Crl.O.P.No. 623 of 2024

Vs.

State Rep. by
The Inspector of Police,
F2 Egmore Police Station,
Chennai.
(Crime No. 480 of 2023)

... Respondent in both Crl.O.Ps.

PRAYER IN BOTH PETITIONS: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in Crime No.480 of 2023 pending on the file of the respondent Police.

For Petitioner in
Crl.O.P.No. 1004 of 2024 : Mr.A.E.Ravichandran

For Petitioner in
Crl.O.P.No. 623 of 2024 : Mr. M.I.Javid Akbar

For Respondent in



Crl.O.P.Nos. 1004 & 623 of 2024

both Petitions : Mr.L.Baskaran
Government Advocate (Crl.Side)

COMMON ORDER

The petitioner/A2 has filed Crl.O.P.No. 1004 of 2024 and the petitioner/A3 has filed Crl.O.P.No. 623 of 2024 and both in Cr.No. 480 of 2023 registered by the respondent police for the offences under Sections 8(c), 20(b)(ii)(B), 22(b), 29(1), 25 of the NDPS Act.

2. Both the petitioners had been remanded to judicial custody on 13.12.2023.

3. It is the case of the prosecution that they intercepted a Honda X Blade bearing Registration No. Tamil Nadu 14 U 6451 with black coloured bag. They found seven persons near the spot. The seven individuals were then intercepted. The first accused was found in possession of 1.200 kgs of Ganja and the second accused was found in possession of 418 tydol- 100 tablets. There was no recovery from the third accused.

4. It is the contention of the learned counsel for the petitioners that



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the quantity of Ganja seized was intermediate quantity. It is also contended that Tydol tables are not scheduled drugs as stated in the schedule in the NDPS Act.

5. The learned Government Advocate (Crl.Side) appearing for the respondent stated that there was a proposal to detain the first accused under Tamil Nadu Act 14 of 1982. But as against these two petitioners, there is no previous case.

6. Taking all the surrounding factors into consideration, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned XIV Metropolitan Magistrate, Egmore and on further conditions that:

[a] the sureties shall affix their photographs and Left



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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 petitioners shall report before the respondent police, everyday at 10.30 a.m., until further orders;

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

[e] the petitioners 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 petitioners 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].

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

24.01.2024

vsg



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To
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1. The XIV Metropolitan Magistrate, Egmore
2. The Inspector of Police,
F2 Egmore Police Station,
Chennai.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.

vsg



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