



Crl.O.P.Nos.1519 & 1838 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

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

Crl.O.P.Nos.1519 & 1838 of 2024

Thirumalai ... Petitioner in Crl.O.P.No.1519 of 2024

V.Ganesh ... Petitioner in Crl.O.P.No.1838 of 2024

Vs.

The State represented by
The Inspector of Police,
J3, Guindy Police Station,
Chennai District.
Crime No.865 of 2023

... Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., prayed to enlarge the petitioner on bail in Crime No.865 of 2023 on the file of the respondent Police.

For Petitioner
in Crl.O.P.No.1519 of 2024 : Mr.R.Parthiban

For Petitioner
in Crl.O.P.No.1838 of 2024 : Mr.D.Sugumar

For Respondent : Mr.L.Baskaran
in both Crl.O.Ps. Government Advocate (Crl. Side)



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COMMON ORDER

The petitioners who were arrested and remanded to judicial custody on 15.12.2023 for the offences registered under Sections 8(c), 22(b), 29(1) r/w 20(b)(ii)(A) of NDPS Act, in Crime No.865 of 2023, on the file of the respondent Police, seek bail.

2.The petitioner in Crl.O.P.No.1519 of 2023 is arrayed as A1 and the petitioner in Crl.O.P.No.1838 of 2023 is arrayed as A3.

3.The petitioners were found in possession of 400 numbers of Tapbitol 100 mg tablets, 100 numbers of Topcynta 100 mg tablets, 110 numbers of Tydol 100 mg tablets and 150 grams of Ganja.

4.It had been stated that the tablets do not form under the schedule of NDPS Act.

5.The learned counsel for the petitioners stated that the petitioners are innocent of the offences.

6.It is stated by the learned Government Advocate (crl.side) that the investigation has been completed and only the laboratory report is awaited.

7.Taking all those factors into consideration and also considering the period of incarceration, I am inclined to grant bail to the petitioners subject to the following conditions:



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8. Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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 learned Metropolitan Magistrate, Chengalpet and the learned IV Metropolitan Magistrate, Saidapet, Chennai respectively 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders.

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

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



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To

- 1.The Metropolitan Magistrate, Chengalpet.
- 2.The IV Metropolitan Magistrate, Saidapet, Chennai.
- 3.The Inspector of Police,
J3, Guindy Police Station,
Chennai District.
- 4.The Central Prison, Puzhal.
- 5.The Central Prison, Puzhal II.
6. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN,J.

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