



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.6323 of 2024

Rajkumar

... Petitioner

Vs.

State Rep by.
The Inspector of Police
H6, R.K. Nagar Police Station,
Chennai. Crime No. 148 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in crime No. 148 of 2023 pending
investigation before the respondent.

For Petitioner : Mr.M.Soundar Vijay Arul Ram
For Respondent : Mr.V.Meganathan
Government Advocate (Crl. Side)

ORDER



WEB COPY

The petitioner, who was arrested and remanded to judicial custody on **27.04.2023** for the alleged offences punishable under Sections **8 (c), 22 (c), 25, 29(1) of NDPS Act, in crime No.148 of 2023** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused persons with illegal possession of 60 grams of Methamphetamine. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner is jail for past one year and also contraband was not recovered from this petitioner. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that respondent police found the accused person with illegal possession of 60 grams of Methamphetamine. Further, he submitted that contraband was not recovered from the petitioner and also there is no previous case pending against the petitioner. However, he raised objection to grant bail.



WEB COPY

5. Considering the facts of the case, the petitioner is in jail for more than nine months and also contraband was not recovered from this petitioner. Further, there is no previous case pending against the petitioner. Therefore, the petitioner has satisfied twin conditions as required under Section Section 37 of NDPS Act. Hence, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, George Town Chennai** 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 police daily at 10.30 a.m., for a period of



six months.

[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;

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

10.04.2024

pbl



WEB COPY



T.V.THAMILSELVI,J.

pbl

To

1. The **XV Metropolitan Magistrate, George Town Chennai.**

2. The Inspector of Police
H6, R.K. Nagar Police Station,
Chennai.

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.6323 of 2024

10.04.2024