



Crl.O.P.No.9176 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

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

**Crl.O.P.No.9176 of 2024**

Kannan @ Mayakannan

...Petitioner

Vs.

State represented by  
The Inspector of Police,  
Ambattur – PEW,  
Chennai.  
(Crime No.187 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.187 of 2023 on the  
file of the respondent police.

For Petitioner : Mr.A.Nirmal Kumar

For Respondent : Mr.V.J.Priyadarsana  
Govt. Advocate (Crl. Side)



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## ORDER

The petitioner / accused seeks bail in C.C.No.825 of 2023 now pending trial before the learned Principal Special Judge for EC & NDPS Act Cases, Chennai.

2.Originally, the petitioner was arrested and remanded to judicial custody on 19.07.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act in Crime No.187 of 2023 on the file of the respondent.

3.It is the case of the prosecution that A1 and A2 had been arrested with possession of 16 kgs of Ganja and remanded to judicial custody on 21.03.2023. This petitioner had originally absconded and subsequently he had been remanded to custody on 19.07.2023. He had also been detained under Tamil Nadu Act 14 of 1982, but that was quashed by order dated 02.01.2024 in HCP No.1791 of 2023.



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4.Earlier petition seeking bail was dismissed on 14.03.2024 in Crl.O.P.No.3410 of 2024. At that time, it had been observed as follows:

*“5.The one factor which now prevails and which as to be explained by the petitioner is that, he had obtained Aadhar Card in Andhra Pradesh by giving his name as Karanam Janakiram S/o. Rathinam, 6b-14-42, Southern Street, 14<sup>th</sup> Division, Eluru, West Godavari, Andhra Pradesh – 534 001. The respondent have procured the copy of the Aadhar Card. They have also procured the bank details, which he had given, in which his name is given as Mayakannan S/o. Azhagarsamy, 22-11/20E, Thikkakulam, Ayanavaram, Chennai – 600 023.”*

5.The learned counsel for the petitioner, however, disputed this fact and produced before the Court the actual Aadhar Card and other details of the petitioner herein. This is an aspect which will have to be examined by the Investigation Officer.



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6.Taking all the factors into consideration and also considering the period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

7.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 learned Judicial Magistrate, Ambattur, 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., 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.

30.04.2024

smv

To

1. The Judicial Magistrate, Ambattur.
2. The Central Prison, Puzhal.
3. The Inspector of Police,  
Ambattur – PEW,  
Chennai.
4. The Public Prosecutor,  
High Court of Madras.



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**C.V.KARTHIKEYAN. J.**

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