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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

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

Crl.O.P.No.9655 of 2024

1. Santhosh ... Petitioners
2. Gunaseelan

Vs.

State Rep by.
The Inspector of Police,
Chengalpattu PEW Police Station,
Chengalpattu District.
Crime No. 136 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge him on bail in crime No. 136 of 2024 on the file of the respondent police.

For Petitioner : Mr. Thangavel M R
For Respondent : Mr.Meganathan
Government Advocate (Crl. side)

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O R D E R

The petitioners, who were arrested and remanded to judicial custody on **13.03.2024** for the alleged offences punishable under Sections **8 (c) r/w 20 (b)(ii) B 25, 29(1) of (NDPS) Act 1985 in crime No. 136 of 2024** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons were found to be illegal possession of 4 kgs of Ganja. Hence the case.

3. The learned counsel for the petitioners seeks permission of this Court to withdraw the petition in respect of the first petitioner. Accordingly, the petition in respect of first petitioner is dismissed as withdrawn.

4. Further, he submits that the petitioner has been falsely implicated in this case and he is an innocent person. Learned counsel prays to grant anticipatory bail to the petitioner.

5. On the other side, the learned Government Advocate (Crl. side) submits that accused persons were found to be illegal possession of 4 kgs of Ganja and also stated that contraband was not recovered from the petitioner and also there is no previous case pending against the petitioner.

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6. Considering the period of incarceration undergone by the petitioner and also there is no previous case pending against the petitioner. Further, the contraband was not recovered from this petitioner. Hence, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the second 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 Judicial Magistrate - II, Chengalpattu,** 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 second petitioner shall stay report before the respondent police on alternative days at 10.30 a.m., until further orders. Further, the petitioner shall deposit a sum of Rs.10,000/- to the credit of Registered Advocate Clerk Welfare Association, Chengalpattu District.

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[c] the second petitioner shall not abscond either during investigation or trial;

[d] the second 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.

24.04.2024

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T.V.THAMILSELVI,J.

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To
1. The **Judicial Magistrate - II, Chengalpattu.**
2.The Sub Inspector of Police,
Chengalpattu PEW,
Chengalpattu District.
3. The Central prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9655 of 2024

24.04.2024

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