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CrI.O.P.No.11851 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM :

THE HONOURABLE MR. JUSTICE C. SARAVANAN

CrI.OP.No.11851 of 2024

Surya

.. Petitioner/A4

Vs.

State Represented by,
The Inspector of Police,
T 15, Kannagi Nagar Police Station,
Chennai.
(Crime No.101 of 2024)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C.,
praying to enlarge the petitioner on bail pending investigation in crime
No.101 of 2024 pending investigation on the file of the respondent
police.

For Petitioner : Mr.P.Veera Narayanan

For Respondent : Mr.R.Vinothraja
Government Advocate
(Criminal Side)



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ORDER

The petitioner was arrested and remanded to judicial custody on 09.04.2024 for the offences punishable under Sections 8(c) read with Sections 22(b), 29(1) of NDPS Act in Crime No.101 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with three accused person found illegal possession of 53 numbers of Nitrovet-10 Tablets, 415 numbers of Tydol Tablets totally 232 Grams. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that totally there are 4 accused, the petitioner is arrayed as A4.



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He further submitted that the respondent had seized 53 numbers of Nitravet-10 Tablets, 415 numbers of Tydol Tablets. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. The petitioner along with three other accused persons in Crime No.101 of 2024 before the respondent were arrested on 09.04.2024 for possessing contraband items under the NDPS Act namely 53 numbers of Nitravet-10 Tablets, 415 numbers of Tydol Tablets totally 232 Grams. The learned Government Advocate (Criminal Side) confirms that the quantity is non-commercial. However, the petitioner along with co-accused had purchased the contraband items from Hyderabad and were segregated. The learned learned Government Advocate (Criminal Side) confirms that the petitioner has no history of prior involvement in similar offences.



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7. Taking into consideration the facts and circumstances of the case and the submissions made by either sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. The petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only), to the credit of Crime No.101 of 2024** and on such deposit, 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, each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Sholinganallur 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 **deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), to the credit of the Crime No.101 of 2024** and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;



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[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

[e] the petitioner 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 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].

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

22.05.2024

vsn



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C. SARAVANAN, J.

vsn

To

- 1.The District Munsif-cum-Judicial Magistrate,
Sholinganallur.
- 2.The Superintendent,
Central Prison,
Puzhal, Chennai.
- 3.The Public Prosecutor,
High Court of Madras.

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