



WEB COPY



Crl.O.P.No.11912 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.11912 of 2024

Nirmal Kumar
S/o.Shankar

... Petitioner

Versus

The State rep. by
The Inspector of Police,
T-10, Thirumullaivoyal Police Station
Avadi.
(Crime No.259 of 2024)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to enlarge the petitioner on bail in the event of his arrest at the hands of the respondent pending investigation in Crime No.259 of 2024 on the file of the respondent police.

For Petitioner	:	Mr.S.Senthilvel
For Respondent	:	Mr.C.E.Pratap Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner on 13.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.



2. The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c), 20(b)(ii)(B), 29(1) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.259 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 09.05.2024, the petitioner along with other accused, was travelling in a Bike bearing Reg.No.TN 13 6774 and on enquiry, they were found in possession of 1.100 kgs of Ganja. The respondent police seized 1.100 kgs of Ganja and also the bike from the petitioner and other accused.

4. The learned counsel for the petitioner submitted that the petitioner has been arrayed as A3 in this case and has no nexus with the other accused persons. He further submitted that the petitioner has no previous case. He further submitted that the co-accused were arrested and released on bail. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioner.

5. The learned Government Advocate (Crl. Side) for the respondent police submitted that the co-accused were arrested and released on bail. He further submitted that no previous case is pending against the petitioner.



However, he prayed to dismiss the petition.

WEB COPY

6. Heard on both sides. This Court has perused the records.

7. Prosecution's case is that the petitioner along with other accused was in possession of 1.1 Kgs of Ganja. There is no previous case against the petitioner. Other accused have been arrested and released on bail. Considering the facts and circumstances, the nature of the offences committed by the petitioner, the quantity of the Narcotics and also with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the **Judicial Magistrate Court, Ambattur**, within a period of 15 days from today, on executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) along with two sureties each for a like sum of Rs.20,000/- to the satisfaction of the **learned Judicial Magistrate, Ambattur**;

(ii) The petitioner shall appear and sign before the **respondent police**, **daily at 10.00 a.m** until further orders;



Crl.O.P.No.11912 of 2024

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall make himself available for interrogation by police as and when required;

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(vi) The petitioner shall not leave India without the prior permission of the Court; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** [(2005) 13 SCC 283].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

16.05.2024



Crl.O.P.No.11912 of 2024

Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

mk/ms

Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

1. The Judicial Magistrate,
Judicial Magistrate Court
Ambattur.
2. DO THROUGH:
The Chief Judicial Magistrate, Thiruvallur.
3. The Public Prosecutor,
High Court, Madras.
4. The The Inspector of Police,
T-10, Thirumullaivoyal Police Station
Avadi.



WEB COPY



Crl.O.P.No.11912 of 2024

R.SAKTHIVEL, J.

mk/ms

Crl.O.P.No.11912 of 2024

16.05.2024