



WEB COPY



Crl.O.P.No.12307 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2024

CORAM :

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12307 of 2024

Iyappan M

.. Petitioner/Accused

Vs.

State Represented by,
The Inspector of Police,
R2 Kodambakkam Police Station,
Chennai.

.. Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.83 of 2024 on the file of the respondent police.

For Petitioner : Mr.C.Jagan

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

ORDER

The petitioner arrested and remanded to judicial custody on 15.04.2024 for the offences punishable under Sections 8(c) and 20(b) (ii) (B) of the NDPS Act in Crime No.83 of 2024 on the file of the respondent police, seeks bail.



Crl.O.P.No.12307 of 2024

2. The case of the prosecution is that the petitioner was found in possession of 1.9 kg of Ganja. Hence, the case was registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 15.04.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent Police would submit that the petitioner is a history sheeter and he is involved in 21 other cases apart from the present case. He has also produced a list of cases wherein in several of the cases, the petitioner has been acquitted while some of the cases are pending as on date. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. It is noticed that there are no other instances of the petitioner getting involved in a violation of the provisions of the NDPS Act. It appears to be a



first involvement in the crime by the petitioner under the provision of the NDPS Act. This time, the petitioner appears to have been carrying 1.9 kg of Ganja and was arrested on 15.04.2024. The aforesaid quantity is not a commercial quantity.

7. Considering the above facts and the submissions of either sides, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only), to the credit of the Crime No.83 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 XVII Metropolitan Magistrate, Saidapet, 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 **deposit a sum of Rs.5,000/- (Rupees Five Thousand only), to the credit of the Crime No.83 of 2024** and that the receipt of such payment shall be



Crl.O.P.No.12307 of 2024

produced before the concerned Magistrate at the time of executing the bond;

[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.

23.05.2024

dk



Crl.O.P.No.12307 of 2024

To

1. The Inspector of Police,
R2 Kodambakkam Police Station,
Chennai.
2. The learned XVII Metropolitan Magistrate,
Saidapet, Chennai.
3. The Central Prison,
Puzhal - 2.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.O.P.No.12307 of 2024

C.SARAVANAN, J.

dk

CrI.O.P.No.12307 of 2024

23.05.2024