



Crl.O.P.No.12391 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.12391 of 2024

Monish @ Monishkumar

.. Petitioner/A1

Vs.

State represented by,
Sub - Inspector of Police,
Madipakkam Police Station,
Chennai.

Crime No.41 of 2024

.. Respondent

PRAYER : Criminal Original Petition is filed under Section 439 of Cr.P.C.
pleased to enlarge the petitioner on bail in Crime No.41 of 2024 pending on
the file of the respondent Police.

For Petitioner : Mr.A.Udhayachandran

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



WEB COPY



Crl.O.P.No.12391 of 2024

ORDER

The petitioner was arrested and remanded to judicial custody on 10.02.2024 for the offences punishable under Sections 8(c), read with 20(b)(ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.41 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 1.500 Kgs 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 10.02.2024. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl side) for the respondent would submit that the second accused, Vignesh was released on bail by an order of the Special Court under EC & NDPS Act, Chennai in Crl.M.P.No.4118 of 2024 dated 29.04.2024. He would submit that the petitioner have a history of being involved in IPC crimes and there are three



Crl.O.P.No.12391 of 2024

previous cases pending against the petitioner, which are pending trial. He would submit that charge sheet has been filed and trial has to commence in Crime No.41 of 2024 after the charge sheet is taken on file. He, therefore, opposed for grant of bail to the petitioner.

5.Considering the above facts and circumstance of the case and considering the fact that A2 has been granted bail by the lower Court and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only), to the credit of the Crime No.41 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 Judicial Magistrate-II, Alandur 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.



Crl.O.P.No.12391 of 2024

WEB COPY

[b] the petitioner shall **deposit a sum of Rs.15,000/-(Rupees Fifteen Thousand only), to the credit of the Crime No.41 of 2024** and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] **the petitioner shall report before the trial Court daily at 10.30 a.m., for a period of two weeks and thereafter, during the Court hearing dates.**

[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

smv



Crl.O.P.No.12391 of 2024

WEB COPY

To

1. The Judicial Magistrate No.II, Alandur.
2. The Sub - Inspector of Police,
Madipakkam Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.No.12391 of 2024

C.SARAVANAN, J.

smv

Crl.O.P.No.12391 of 2024

23.05.2024