



WEB COPY



CrI.O.P.No.13986 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.O.P.No.13986 of 2024

Keerai Thothotta Ashok @ Ashok

...Petitioner

Vs.

State rep by its
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
(Crime No.448 of 2022)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/Accused on bail in connection with the Crime No.448 of 2022 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (crl.side)

ORDER

The petitioner/A4 in Crime No.448 of 2022 registered under Sections 8(c) & 22(c) of NDPS Act and taken into custody on 18.06.2023 seeks bail.

2. It is stated that A1 had been taken into custody on 06.07.2022, but



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the petitioner and the another accused, who were there had escaped from the Police. From the possession of A1, the respondent had seized 12 grams and 43 milligrams of MDMA ECSTACY tablets, which is a commercial quantity.

3. So far as this petitioner is concerned, who is A4, the learned counsel for the petitioner states that the petitioner was not in possession of the seized contraband and was not also along with A1. It is therefore contended that the petitioner is innocent and application for bail should be considered.

4. Counter has been filed by the respondent, wherein, it had been stated that A1 had been arrested and on the basis of his confession, the name of the petitioner had come up. It is stated that the accused purchased the contraband from Andhra Pradesh for selling it in Tamil Nadu. In the counter affidavit, it had also been stated that the petitioner is 'C' category History-Sheetter and there are 11 previous cases as against him, but except for one case, other cases are under I.P.C. offences.



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5. The earlier application seeking bail was dismissed by this Court on 11.12.2023 in Crl.O.P.No.24499 of 2023. It is seen that subsequently, A1 had been granted bail by the learned Single Judge of this Court by order dated 22.06.2023 in Crl.O.P.No.13004 of 2023. Further, investigation has been completed and final report has also been filed.

6. Taking that factor into consideration and A1 who was in possession of contraband was granted bail, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, for a like sum to the satisfaction of the learned Principal and Sessions Court, NDPS Court, at 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 report before the respondent Police **every evening at 5.30 p.m., until further orders. This is apart from appearing before the Court during the Court hearings without fail.**

[c] the petitioner shall not abscond either during



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investigation or trial.

[d] the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

15.07.2024

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To

- 1.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
- 2.The Central Prison-II, Puzhal.
3. The Principal and Sessions Court,
NDPS Court, at Chennai.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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