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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.13775 of 2024

Ellavarasan

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
NIB CID, Chennai.
Crime No. 19 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No. 19 of 2024 on the file
of respondent police.

For Petitioner : Mr. T.Padmanabhan
For Respondent : Mr.Meganathan
Government Advocate (Crl. side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on **27.04.2024** for the alleged offences punishable under Sections **8 (c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in crime No. 19 of 2024** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused were found to be in illegal possession of 5kgs of Ganja. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is an innocent person. Further, he submitted that contraband seized from the accused persons is intermediate quantity. Learned counsel prays to grant bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that one case pending against the petitioner. However, he raised objection to grant bail.

5. Considering the period of incarceration undergone by the petitioner and also investigation is almost completed. Further, the



contraband seized from the petitioner is intermediate quantity. Hence, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Metropolitan Magistrate XVI, George Town, 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 on alternative days at 10.30 a.m., for a period of three months. Further, the petitioner shall deposit a sum of Rs. 10,000/- to the credit of registered Tamil Nadu Advocate Clerk's Welfare Association, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

[c] the petitioner shall not abscond either during



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 abscond, a fresh FIR can be registered under Section 229A IPC.

25.06.2024

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T.V.THAMILSELVI,J.

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To

1. The **Metropolitan Magistrate XVI, George Town, Chennai.**
2. The Inspector of Police,
NIB CID, Chennai.
3. The Puzhal Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.13775 of 2024

25.06.2024