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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL.O.P.No.18922 of 2024

Ashok Kumar ... Petitioner

Vs

State, Rep. By
Inspector of Police,
E-3, Minjur Police Station,
Thiruvallur.
Crime No.362 of 2024 ... Respondent

For Petitioner : Mr.B.Stephenraj

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.362 of 2024 on the file of the respondent police.

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ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 19.06.2024 for the offences punishable under Sections 8(c), 20(b), (ii), (B) NDPS Act, 1985 in Crime No.362 of 2024 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that when on 19.06.2024, the respondent police was on regular patrol, based on secret information, they went to the scene of occurrence and found that the petitioner along with other accused was found to be in illegal possession of 1.250 Kgs of Ganja without any valid permission. Hence, the complaint.

3. The learned counsel appearing for the petitioner would contend that the petitioner is an innocent person and a false case has been foisted against him. He would further submit that there are four previous cases registered as against the petitioner and he is no way connected with the said occurrence. Hence, they seeks bail.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was in illegal possession of 1.250 Kgs of ganja and investigation in at initial stage. He further submit that there is four previous cases pending against the petitioners. Hence he objected to grant bail to the petitioner.

6. Heard both side and perused the materials available on record.

7. Considering the rival submissions on either side and considering the quantity of contraband involved in the case and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Ponneri and on further conditions that:

[b] the petitioner shall report before the Villupuram police daily at 10.00 A.M. until further orders.

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[c] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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 is 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.

06.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order

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To:

1.The Judicial Magistrate No.II,
Ponneri.

2.The Inspector of Police,
E-3, Minjur Police Station,
Thiruvallur.

3. The Superintendent,
Central Prison, Puzhal-II.

4.The Public Prosecutor,
Madras High Court,
Chennai.

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P.DHANABAL,J.

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