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CRL O.P. No.20120 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20120 of 2024

Aravindhan

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
E-2, Royapettah Police Station,
Chennai.

... Respondent

[Cr. No.115 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioner on bail in Crime No. 115 of 2024 on the respondent police.

For Petitioner : Mr.U.Yuvaraj

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 15.07.2024 for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.115 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 15.07.2024 at about 16.00 hours, based on a secret information, the respondent police went to R.K.Salai and Natesan Road junction and found the petitioner in possession of 2.200 kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has not committed any offence as alleged by the prosecution and he is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



4.The learned Government Advocate (Crl. Side) for the respondent would submit that petitioner was found in possession of 2.200 kgs of Ganja. He would further submit that there are 11 previous cases against the petitioner including two NDPS cases. He would further submit that investigation has been almost completed. However, he opposed to grant bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that though the petitioner has 11 previous cases, he has been acquitted in four cases and he is facing trial in seven cases.

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

7. Considering the representation made by both side learned counsel and considering that the contraband seized is not a commercial quantity and that though the petitioner has previous cases, he was granted bail and in some of the cases he was acquitted and considering the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following



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conditions:

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[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 **XVIII Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:

[b] the Petitioner shall report before the NDPS Court, Chennai, everyday at 10.30 a.m., until further orders.

[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 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 269 B.N.S.

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To

- 1.The XVIII Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Inspector of Police,
E-2, Royapettah Police Station,
Chennai.
- 3.Central Prison II, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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