



WEB COPY



CRL O.P. No.21358 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21358 of 2024

Yowan,
S/o.Abraham

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
D-4 Zam Bazaar Police Station,
Chennai.
[Cr.No.125 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.125 of 2024 on the file of the respondent police.

For Petitioner : Mr.D.Manojkumar

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



WEB COPY



CRL O.P. No.21358 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.07.2024 for the offences punishable under sections 8(c) r/w.22(b),25,29(1) of NDPS Act in Crime No.125 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secrete information, on 25.07.2024, the respondent police was conducted checkup and found that this petitioner and other accused persons are in illegal possession of NITROVET (10mg.)-16 & TYDOL (100mg)-42 Tablets along with 3 injections. Hence, the complaint.

3. The learned counsel for the petitioner would contend that no contraband was seized from this petitioner. In this case, this petitioner was arrayed as 3rd accused. This petitioner has been falsely implicated in this case. There is no previous case as against this petitioner. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.



CRL O.P. No.21358 of 2024

4. The learned Government Advocate (Criminal Side) would submit that based on the secrete information, on 25.07.2024, the respondent police was conducted checkup and found that this petitioner and other accused persons are in illegal possession of NITROVET (10mg.)-16 & TYDOL (100mg)-42 Tablets along with 3 injections. In this case, this petitioner was arrayed as 3rd accused. There are two previous case as against this petitioner. In this case, investigation almost completed. In this case, this petitioner was arrested and remanded to judicial custody on 27.07.2024. Hence, he objected to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that the amount of contraband involved in this case is not a commercial quantity, in this case investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



CRL O.P. No.21358 of 2024

[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 **Principal Special Court under NDPS Act Cases, Chennai** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

[c] the petitioner shall attend in accordance with the conditions of the bond;

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] the petitioner shall not abscond either during investigation or trial;



CRL O.P. No.21358 of 2024

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

02.09.2024

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



WEB COPY



CRL O.P. No.21358 of 2024

P.DHANABAL,J

gvn

To

- 1.The Principal Special Court for NDPS Act Cases,
Chennai.
2. The Inspector of Police,
D-4 Zam Bazaar Police Station,
Chennai.
3. Central Prison, Puzhal.
4. The Public Prosecutor,
High Court, Madras.

CRL.OP.No.21358 of 2024

02.09.2024