



WEB COPY



CRL O.P. No.21428 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.21428 of 2024

Immanuel S/o. Harikrishnan ... Petitioner / Accused
Vs

State rep. by:-

The Sub-Inspector of Police,
J8 Neelankarai Police Station,
Neelankarai, Chennai-600 115. ... Respondent
[Cr. No.274 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 439 of
Criminal Procedure Code, praying to grant bail to the petitioner/Accused
in Cr. No.274 of 2024 on the file of the respondent police.

For Petitioners : Mr. Satheesh.R

For Respondent : Mr. S. Vinoth Kumar
Government Advocate
(Criminal side)

ORDER

The petitioner / Accused, who was arrested and remanded to
judicial custody on 28.07.2024 for the offences punishable under
sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Cr. No.274 of 2024 on the



CRL O.P. No.21428 of 2024

file of the respondent police, seeks bail.

WEB COPY

2. The case of the prosecution is that on 28.07.2024, based on a secret information, the respondent police made a search near Akkarai KK Salai bus stop and at around 08.05 a.m., the respondent police found three persons in illegal possession of Ganja and seized totally 6 pouches of Ganja, each weighing 2.900 gms, from them and hence the case.

3. The learned counsel for the petitioner would contend that the petitioner is no way connected to the commission of offence as alleged in the FIR, that the petitioner is not a named accused in the FIR, that he was arrested only for enquiry, that based on the confession statement given by the co-accused, this petitioner has been falsely implicated in this case, that the petitioner is an innocent and therefore, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal side) would contend that there are totally 5 accused in this case, that the accused were found in illegal possession of Ganja and 12 kgs of Ganja were recovered



CRL O.P. No.21428 of 2024

from the accused and hence he strongly opposed to grant bail to the petitioner. He further submitted that there is no previous case pending against this petitioner.

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

6. Considering the rival submissions made on both sides, considering the fact that the petitioner is not a named accused in the FIR, that there is no other previous cases, that the properties were recovered only from the co-accused and not from this petitioner, that based on the confession statement of co-accused, this petitioner has been arrayed as accused in this case and considering the period of incarceration underwent by the petitioner, 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) each, with two sureties each for a like sum to the satisfaction of the **District Munsif cum Judicial Magist, Sholinganallur** and on further conditions that:



CRL O.P. No.21428 of 2024

WEB COPY

[b] the petitioner shall report before the respondent police from 06.09.2024 onwards, daily at 10.00 A.M. until further orders.

[c] 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;

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

[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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action



CRL O.P. No.21428 of 2024

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.

02.09.2024

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

P.DHANABAL,J
mjs

To

- 1.The District Munsif cum Judicial Magist, Sholinganallur
2. The Sub-Inspector of Police,
J8 Neelankarai Police Station,
Neelankarai, Chennai-600 115 .
- 3.The Superintendent,
Central Prison, Puzhal, Chennai-66.
- 4.The Public Prosecutor, High Court, Madras.

5/6



WEB COPY



CRL O.P. No.21428 of 2024

CRL.OP.No.21428 of 2024

02.09.2024