



WEB COPY



CRL O.P. No.21870 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.21870 of 2024

1. Surya S/o. Sekar

2. Deva S/o. Sekar

... Petitioners / A1 and A2
Vs

State rep. by:-

The Inspector of Police,
D2 Anna Salai Police Station,
Chennai.
[Cr. No.116 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.116 of 2024 on the file of the respondent police.

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



CRL O.P. No.21870 of 2024

ORDER

WEB COPY

The petitioner/Accused, who was arrested and remanded to judicial custody on 02.08.2024 for the offences punishable under sections 8(c) r/w 20(b), (ii), (B), 25 and 29(1) of NDPS Act and under Sections 296(b), 125, 132, 351(3) of the B.N.S. 2023 and Section 25(1)(A) of Arms Act in Crime No.116 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.08.2024 at about 4.10 hours, at the junction of Bharathi Salai and Chellapillaiyar Koil Street, the petitioner along with other accused, was found in possession of Ganja without having any valid license or permit. Further they pelted stones on the police and abused them in filthy language. 1.600 kgs of Ganja was seized from the accused Surya, 1.550 kgs from Deva and 1 kg in 36 nos. of small packets were seized from Sekar, along with the sale consideration amount of Rs.1,500/-. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent persons and a false case has been foisted against



CRL O.P. No.21870 of 2024

them, that they are in judicial custody for one month. The petitioners are no way connected with the case. Hence, he seeks bail to the petitioners.

4. The learned Government Advocate (Crl side) would submit that the petitioners were arrested and remanded to judicial custody on 02.08.2024 for the illegal possession of Ganja for sale and they were caught red-handed by the respondent police at the junction of Bharathi Salai and Chellapillaiyar Koil Street. FIR was registered against A1 to A3 and 1.600 kgs of Ganja and 1.550 kgs of Ganja were seized from these petitioners respectively and hence he objected to grant bail to the petitioners. He further submitted that the petitioners are having previous cases and they were released on bail in that cases.

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

6. Considering the rival submissions on either side and considering the nature of offences and quantity of materials involved in this case are not in commercial quantity, that the petitioners are having some previous cases, but those cases are not of similar kind of offences and in all the cases, these petitioners are released on bail and also



CRL O.P. No.21870 of 2024

considering the period of incarceration underwent by the petitioners,

I am inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, each 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 **II Metropolitan Magistrate, Egmore, Chennai** and on further conditions that:

[b] the petitioners shall report before the Special Judge, Special Court for trial of Narcotic Drugs and Psychotropic Substances Act Cases, daily at 10.30 A.M. until further orders.

[c] the petitioners shall not commit any offence similar to the offence of which they are accused, or suspected, or of the commission of which he is suspected;

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



CRL O.P. No.21870 of 2024

WEB COPY

[e] the petitioners 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 against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

06.09.2024

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

TO

5/7



CRL O.P. No.21870 of 2024

WEB COPY

- 1.The II Metropolitan Magistrate, Egmore, Chennai.
- 2.The Special Judge,
Special Court for trial of Narcotic Drugs and
Psychotropic Substances Act Cases.
3. The Inspector of Police,
D2 Anna Salai Police Station,
Chennai.
4. The Superintendent,
Central Prison-II,
Puzhal, Chennai.
- 5.The Public Prosecutor, Madras High Court, Chennai.

P.DHANABAL,J
mjs

CRL.OP.No.21870 of 2024



WEB COPY



CRL O.P. No.21870 of 2024

06.09.2024