



WEB COPY



CRL O.P. No.21965 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.21965 of 2024

Sivaperumal S/o. Srinivasan ... Petitioner / Accused
Vs

State rep. by:-

The Inspector of Police,
T-1, Tambaram Police Station,
Tambaram City ... Respondent
[Cr. No.348 of 2024]

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 No.4 in Crime No.348 of 2024 on the file of the
respondent police.

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

ORDER



CRL O.P. No.21965 of 2024

The petitioner/Accused No.4, who was arrested and remanded to judicial custody on 14.07.2024 for the offences punishable under sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.348 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.07.2024, the petitioner along with another accused, was found in illegal possession of 1.200 kgs of Ganja. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him, that he is in judicial custody for the more than 1 1/2 months. The petitioner is no way connected with the case. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner was arrested and remanded to judicial custody on 14.07.2024, that there are totally 3 accused and the petitioner is A3, that on 08.07.2024, the petitioner along with another accused, was found in illegal possession of 1.200 kgs of Ganja, Hence he objected to grant



CRL O.P. No.21965 of 2024

bail to the petitioner. He further submitted that there is no previous case pending against this petitioner.

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, considering the fact that the quantity of contraband involved in this case is not a commercial quantity, that there is no previous case of similar nature pending against the petitioner and also 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) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate No.I, Tambaram** and on further conditions that:



CRL O.P. No.21965 of 2024

[b] the petitioner shall report before the Judicial Magistrate No.I, Tambaram on every working day at 10.30 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 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].



CRL O.P. No.21965 of 2024

[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

1. The **Judicial Magistrate No.I, Tambaram**

2. The Inspector of Police,
T-1, Tambaram Police Station,
Tambaram City.

3. The Superintendent,
Central Prison, Puzhal, chennai.

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

P.DHANABAL,J
mjs



WEB COPY



CRL O.P. No.21965 of 2024

CRL.OP.No.21965 of 2024

06.09.2024