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CRL O.P. No.31493 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.31493 of 2024

Aravinthsamy S/o. Muniyandi ... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
H-8 Thiruvottriyur Police Station,
Chennai.

... Respondent

[Cr. No.1028 of 2024]

PRAYER:- The Criminal Original Petition is filed under Section 483 of

B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.1028

of 2024 on the file of the respondent police.

For Petitioner : Mr. S. Senthil Kumar

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused who was arrested and remanded to
judicial custody on 08.09.2024 for the offences punishable under



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Sections 8(c) read with 20(b)(ii)(B) of Narcotics Drugs and Psychotropic Substances Act in Cr. No.1028 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.06.2024, the accused were found in illegal possession of 1080 Nitrazepam tablets of Nitravet each weighing 10 mg. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) of Narcotics Drugs and Psychotropic Substances Act. According to the prosecution, A1 was found in possession of 6.5 kgs of Ganja. In fact, no recovery was made from this petitioner. The petitioner is an innocent and he is nothing to do with the alleged offences. The earlier bail application filed by this petitioner was dismissed. He is in judicial custody from 27.09.2024. Therefore prayed to grant bail to the petitioner.



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4. The learned Government Advocate (criminal side) would submit that the accused was found in illegal possession 6.500 kgs of Ganja. The petitioner is the sole accused, who purchased contraband from Andhra Pradesh and sold the same in the local areas for his personal gain. Investigation was completed and charge sheet was also filed. If he is let out on bail, he would abscond. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Considering the rival submissions made on either side, considering the nature of offences, the contraband involved in this case is not a commercial quantity, considering the fact that the petitioner was detained under Goondas Act and thereafter, the said detention order was set aside as per the order of this Court and though the petitioner has one previous case pending against him, in the said case, he was convicted and also considering the incarceration period of the petitioner from



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08.09.2024, this Court is 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 learned **Judicial Magistrate, Tiruvottriyur, Chennai** and on further conditions that:

[b] the petitioner shall report before the concerned NDPS Court on all working days 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



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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] 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 229A IPC.

20.12.2024

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

mjs

To

- 1.The XV Metropolitan Magistrate, George Town, Chennai
2. The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, H-3 Tondiarpet Police Station, Tondiarpet District.
4. The Superintendent of Police, Central Prison, Puzhal-II, Chennai.

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P.DHANABAL,J
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CRL O.P. No.30457 of 2024



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