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CRL O.P. No.31468 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.31468 of 2024

J. Vadivel S/o. Jayaraman

... Petitioner / Accused-2

Vs

State rep. by:-

The Inspector of Police,
N2 Kasimedu Police Station,
Royapuram, Chennai.
[Cr. No.383 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused-2 in Cr. No.383 of 2024 on the file of the respondent police.

For Petitioner : Mr.N. Vengatraman

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

ORDER



CRL O.P. No.31468 of 2024

The petitioner / Accused-8 who was arrested and remanded to judicial custody on 19.10.2024 for the offences punishable under Sections 8(c), 20(b)ii(B) of Narcotics Drugs and Psychotropic Substances Act in Cr. No.383 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.07.2024, based on the secret information, the police party went to the scene of occurrence near Kasimedu Indira Nagar and found the accused with illegal possession of 1.200 kgs of Ganja. 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 Section 8(c), 20(b)ii(B) of Narcotics Drugs and Psychotropic Substances Act. The petitioner is an innocent and he is nothing to do with the alleged offences. He is in judicial custody from 19.10.2024. This petitioner has been arrayed as an accused in this case, only based on the confession statement of the co-accused.



CRL O.P. No.31468 of 2024

Therefore prayed to grant bail to the petitioner.

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4. The learned Government Advocate (criminal side) would submit that this case was registered as against the petitioner and others for the illegal possession of 1.200 kgs of Ganja. This petitioner is arrayed as A2. During the course of investigation, the respondent police arrested A1 and recorded his confession statement. The confession statement of A1 reveals that this petitioner/A2 went to Andhra Pradesh and purchased the contraband and had given to A1 for selling in the local area for the personal gain. Case is under investigation and investigation is not yet completed. Samples were sent for analysis and report is awaited. 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, considering the fact that the contraband involved in this case is not a commercial quantity and no contraband was recovered from this petitioner and he was arrested and



CRL O.P. No.31468 of 2024

remanded to judicial custody based on the confession statement of the co-accused, though the prosecution has stated that the petitioner has 6 previous cases, all the cases are not of similar kind of cases and in all the other cases, he was granted bail, already the main accused A1 was arrested and released on bail, considering the incarceration period of the petitioner from 19.10.2024, 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 learned **XVI Metropolitan Magistrate Court, George Town, 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 she is accused, or suspected, or of the commission of which she is suspected;



CRL O.P. No.31468 of 2024

[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 her 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
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5/7



CRL O.P. No.31468 of 2024

WEB COPY

To

- 1.The XVI Metropolitan Magistrate Court, George Town, Chennai
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, N2 Kasimedu Police Station, Royapuram, Chennai.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J
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CRL O.P. No.31468 of 2024



WEB COPY



CRL O.P. No.31468 of 2024

20.12.2024