

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.18224 of 2018

RAMAN

[PETITIONER / ACCUSED]

Vs

THE SUB INSPECTOR OF POLICE

[RESPONDENT]

NIB CID VELLORE,

VELLORE DISTRICT,

CR.NO.86 OF 2017.

For Petitioner : M/S.B.VASUDEVAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks bail in Crime No.86 of 2017 registered by the respondent for the offences punishable under Section 8 (c) r/w 20 (b) (1) (B) of NDPS Act.

2. The case of the prosecution is that on 22.12.2017, the respondent, who is the constable attached to the respondent police conducted a raid and the petitioner was found in possession of 8 Kg of Ganja without any valid licence.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner was arrested on 22.12.2017 and that the respondent has completed the investigation and filed final report and the case has been taken on file in C.C.No.11 of 2018 pending for trial and that he has to engage a counsel for conducting the trial. He would submit that the petitioner is a senior citizen.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was arrested on 22.12.2017 for being found in possession of 8 Kg of Ganja without any valid licence. He would submit that the respondent has filed the final report and the case stands posted for trial before the Special Court, Salem on 20.08.2018.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and that the petitioner is in custody from 22.12.2017, I am inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Special Judge for EC Act Cases, Salem and on further condition that:

[a] the petitioner shall appear before the learned Special Judge for EC Act Cases, Salem daily at 10.30 a.m until further orders.

[b] the petitioner shall co-operate with the progress of trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

20/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE
FOR EC ACT CASES, SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

4 THE SUB INSPECTOR OF POLICE
NIB CID VELLORE, VELLORE DISTRICT,

+1 CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges SR.NO.

CRL OP.18224/2018

Date :20/07/2018

RD 20/07/2018