

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.OP.No.7048 of 2020

Theerthan
... Petitioner

Vs.

State by
The Inspector of Police,
NIB CID Salem Police station,
Salem.
... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.13 of 2020 on the file of the respondent police.

For Petitioner :
For Respondent :

Mr.J.Pradeep

Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioner who has been arrested under Sections 8(c) r/w and 20(b)(ii)(B) of NDPS Act in Crime No.13 of 2020 on the file of the respondent police, seeks bail.

2.By an order of this Court dated 26.03.2020, the petitioner

was granted interim bail till 27.04.2020 on furnishing own bond for Rs.10,000/- (Rupees Ten thousand only) to the Superintendent of Police, Central prison concerned. Thereafter, the interim bail has been extended.

3.The brief case of the prosecution is that the petitioner was arrested on 07.02.2020 in connection with the Crime No.13 of 2020 on the file of the respondent police for the offences punishable under sections 8(c) r/w and 20(b)(ii)(B) of NDPS Act.

4.The learned Public Prosecutor submits that the petitioner was involved in four cases which are similar in nature and he was convicted in all the four cases. As far as this case is concerned, investigation is completed and charge sheet filed. The case is taken on file as CC.9 of 2020. The past history of the petitioner shows that the petitioner indulging in similar activities. Hence, he opposed to grant bail.

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5.Considering the submissions and already this Court has granted interim bail on 26.03.2020 and further the quality seized is slightly above small quantity, this Court is inclined to grant bail to the petitioner with the following conditions:

(a) The petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten thousand only) each, before the concerned Magistrate within 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(b) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) The petitioner shall report before the respondent police as and when required for interrogation.

(d) The petitioner shall not commit any offences of similar nature;

(e) The petitioner shall not abscond either during investigation or trial;

(f) The petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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]*;

(h) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

M.NIRMAL KUMAR.,J.

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6.With the above directions, this Criminal Original Petition is ordered.

08.06.2020

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To

- 1.The Special Judge for EC Act Cases,
Salem.
- 2.The Superintendent,
Central Prison, Salem.
- 3.The Inspector of Police,
NIB CID Salem Police station,
Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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