

IN THE HIGH COURT OF JUDICATURE AT
MADRAS

DATED: 09.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. **M.NIRMAL KUMAR**

Crl.O.P.No.8353 of 2020

M.Madhavan, 20/M,
S/o. Murugesan,
No.25/50, Bavaji Nagar, 1st Street,
Thiruvannamalai,
Thiruvannamalai District.
...Petitioner

Vs.
The State by Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai District.
(Crime No.153 of 2020)
...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail in Crime No.153 of 2020 on the file of the respondent police.

For Petitioner : Mr.

A.Saravanan

For Respondent :

Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody

<http://www.judis.nic.in> on 12.03.2020 for the offence punishable under Sections 8(c) and

20(b)(ii)B of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.153 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with one Gowthamkunar and Hariharan were in illegal possession of 1.600 kg Ganja. On secret information, the respondent police had gone to the scene of occurrence and arrested the petitioner and seized the Ganja. Hence the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that Gowthamkumar and Hariharan, who are the friends of the petitioner. On the date of occurrence, the petitioner met his friends, they were having some leafs. He would further submit that the petitioner was not aware it is Ganja. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case and there is no bad antecedents upon the petitioner. Further, he would submit that the petitioner was in judicial custody from 12.03.2020 and seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that petitioner along with one Gowthamkunar and Hariharan were in illegal possession of 1.600 kg Ganja. On secret information received, the

respondent police had gone to the scene of occurrence and arrested the petitioner and seized the Ganja. He would further submit that other two accused were release on bail by the Juvenile Justice Board. He would further submit that Ganja has been seized by the respondent police and there is no bad antecedent upon the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner has no antecedent involved and the petitioner is in judicial custody from 12.03.2020, 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 executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 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;

(c) 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;

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

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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]*;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

09.06.2020

msrm

To

1. The Special Judge, For EC Act cases, Salem
2. The learned Judicial Magistrate No.I,
Thiruvannamalai.
3. The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.

5.The Superintendent
Central Prison, Vellore.



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M.NIRMAL KUMAR, J.

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