

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.08.2020
CORAM
THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.No. 12021 of 2020

Suresh @ Ramapuram Suresh ... Petitioner
Vs.

The State represented by,
The Inspector of Police,
R11, Royala Nagar Police Station,
Ramapuram, Chennai-89.
(Crime No.372 of 2019) ... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.
to release the petitioner on bail in the above mentioned CC.No.25
of 2020 pending on the file of the Principal NDPS Court, Chennai.

For Petitioner : Mr.B.Mohanraj

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 08.11.2019 for the offences punishable under Sections 8 (c), 20(b)(ii)(B) and 29(i) of NDPS Act 1985 in Crime No. 372 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant one Baskaran, Sub Inspector of Police, Ramapuram is that on 07.11.2019, he got secret information that the petitioner was selling narcotics to students in and around Ramapuram area, on the same day, the defacto complainant had intercepted the petitioner; on search he was found to be in possession of 2.300 kg of Ganja.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent. Since he has several other cases to his credit, a case has been foisted on him based on which, the petitioner was detained under Act 14 of 1982 on 14.12.2019 and thereafter the detention order was revoked by the State Government on 20.01.2020. He would submit that the petitioner is inside the

custody for almost 11 months. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner is a notorious history sheeted rowdy, having two murder cases and 21 other cases. He was found to be in possession of 2.300 kgs of Ganja for selling to college students of Ramapuram area and he was detained under Act 14 of 1982 and thereafter detention was revoked by the Government. However, he would vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that out of the 23 cases, 17 cases have been disposed of and some of the cases are pending trial and some are under investigation and the present case has been foisted only for the purpose of detaining him and putting fetters on him. He would further submit that the petitioner is prepared to abide by any stringent condition and his prepared to stay elsewhere.

6 Taking into consideration the facts of the case and submission made by the learned counsel and the period of incarceration from 08.11.2019, 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 and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-I, Poonamallee, within 15 days from the date of lifting of the lock down and the commencement of the Court's normal functioning, 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 on release from prison, shall stay at Cuddalore and report before the Cuddalore Town Police Station, everyday at 10.30 a.m., and 05.30 p.m., until further orders.

(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.

-sd/-
17/08/2020

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 JUDICIAL MAGISTRATE NO. I,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
R11, ROYALA NAGAR POLICE STATION,
RAMAPURAM, CHENNAI-89.

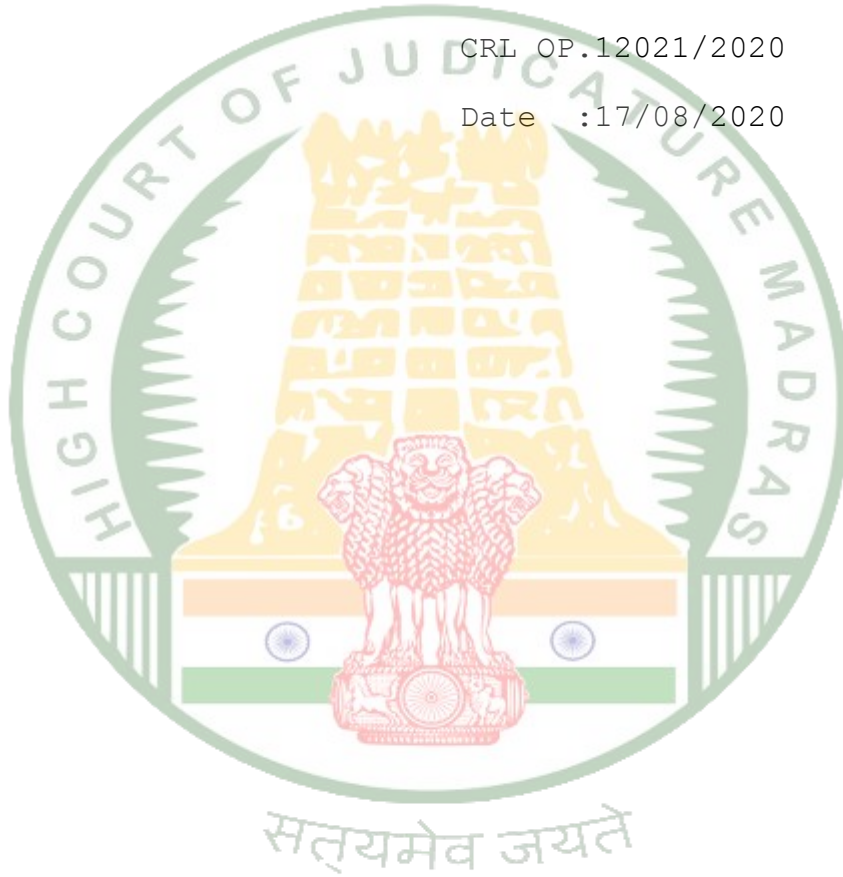
6 THE OFFICER INCHARGE,
CUDDALORE TOWN POLICE STATION,
CUDDALORE.

CC to M/S. B. MOHANRAJ Advocate on payment of necessary
charges

CRL OP.12021/2020

Date :17/08/2020

MK:02/09/2020



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