

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14501 of 2020

J.Gopalakrishnan @ Sanjay

... Petitioner/1st Accused

Vs.

The Inspector of Police,

T-1, Ambattur Police Station,

Chennai.

(Crime No. 1344 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in connection with Crime No. 1344 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondent : Mrs.S.Thankira

Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 17.07.2020 for the offence punishable under Sections 8 (c) r/w, 20(b)(ii)(B) of the Narcotics Drugs and Psychotropic Substances Act 1985, in Crime No.1344 of 2020, seeks bail.

2 The case of the prosecution as per the defacto complainant is that the petitioner along with the other accused was found in illegal possession 4 kgs of ganja and the petitioner was arrested on the same place and the other accused had escaped from the seen of occurrence. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner has innocently travelled with the other accused and he was not aware that the other accused were having ganga and on seeing the police party, the other accused had ran away from the seen of occurrence. He would submit that there is no previous case pending against the petitioner and that

the petitioner is 18 years old. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on information, when the respondent police have intercepted the accused persons, the other accused had escaped from the scene of occurrence and the petitioner was found in possession of 4 kgs of ganga. She would submit that the investigation is pending. Hence, she opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that the petitioner is in jail from 17.07.2020, 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 and thereafter on his release;

(b) the petitioner shall within a period of 15 days from the date of commencement of the Court's normal functioning whichever is earlier, execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), out of the two sureties, one surety should be his father or mother, before the learned Judicial Magistrate Court, Ambattur, 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 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/-
24/09/2020

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 COURT,
AMBATTUR

2 THE SUPERINTENDENT,
PUZHAL CENTRAL PRISON

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
T-1, AMBATTUR POLICE STATION,
CHENNAI.

CC to M/S M.MOHAMED SAIFULLA Advocate on payment of
necessary charges

CRL OP.14501/2020

Date :24/09/2020

GKS:28/09/2020