

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14837 of 2020

P.Roja

... Petitioner/2nd Accused

Vs.

The State represented by,
The Inspector of Police,
Harur Police Station,
Dharmapuri District.
(Crime No.1200 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No. 1200 of 2020, on the file of the respondent police.

For Petitioner : Mr.V.Gunasekar

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 11.07.2020 for the offence punishable under Sections 8(c) r/w 20(b) (ii) (B) of NDPS Act, in Crime No.1200 of 2020, seeks bail.

2 The case of the prosecution is that the petitioner along with the first accused found in illegal possession of 1.5 kgs of Ganja. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that this is the second application for bail and the earlier bail application filed in Crl.O.P.No. 13375 of 2020 was dismissed by this Court on 01.09.2020. He would submit that the petitioner has been falsely implicated in this case on the suspect that she is an associate of the first accused. He would submit that there are twelve previous cases pending against the first accused and that the first accused has been detained under Act 14, 1982 and that there is no previous case pending against the petitioner. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the first accused was found in illegal possession of 1.5 kgs of Ganja. She would submit that the petitioner is a paramour of the first accused and that there are twelve previous cases pending against the first accused and he has been detained under Act 14, 1982. She would submit that as far as the petitioner is concerned there is no previous case pending against her. However, she opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and submission made by the learned counsels and also considering the fact that the petitioner is in jail from 11.07.2020, 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 execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Special Judge for EC Act Cases, Salem, within a period of 15 days from the date of commencement of the Court's normal. 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., 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/-
22/09/2020

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 SPECIAL JUDGE FOR
EC ACT CASES, SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
HARUR POLICE STATION,
DHARMAPURI DISTRICT.

CC to M/S.V.GUNASEKAR Advocate on payment of necessary charges

CRL OP.14837/2020

Date :22/09/2020

cs 24/09/2020

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