

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15021 of 2020

K.Baskar

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Harur Police Station,
Dharmapuri District.
(Crime No.1309 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in pending Crime No.1309 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

For Respondent : Ms.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 27.07.2020 for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 1.100 Kg. of GANJA and hence he was arrested on 27.07.2020.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and remanded to judicial custody on 28.07.2020.

4.The learned Government Advocate (Crl. Side) objected stating that the petitioner was found in possession of 1.100 kg. of GANJA and that the petitioner has one previous case for the offence committed under Section 379 IPC.

5. Taking into consideration of the facts and submissions made by the learned counsel and also considering the period of incarceration suffered by the petitioner from 27.07.2020, 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 condition to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a likesum sum to the satisfaction of the learned Special Judge for EC Act Cases, Salem, and on further conditions that;

(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 everyday at 10.30 a.m. and 05.30 p.m., until further orders.

(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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
29/09/2020

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 DIST.

CC to M/S.J.PRADEEP Advocate on payment of necessary
charges

CRL OP.15021/2020

Date :29/09/2020

MK:01/10/2020

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