

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.15053 of 2020

J.Karunakaran @ Karuna,
S/o.Jagadeesan

... Petitioner/3rd Accused

Vs.

The State represented by,
The Inspector of Police,
S-6 Sankar Nagar Police Station,
Sankar Nagar, Chennai.
(Crime No. 785 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. 785 of 2020, on the file of the respondent police.

For Petitioner : Mr.C.Balaji

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 22.07.2020 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.785 of 2020, seeks bail.

2 The case of the prosecution as per the defacto complainant/Inspector of Police is that, while he was on his usual rounds, the petitioner along with five other accused was found selling ganja to several persons. On seeing the police party, some of the accused had run away from the scene of occurrence and the petitioner and other accused were arrested. On search, they were found in possession of 1100 grams of ganja and a sum of Rs.600/- recovered has been from them. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that the respondent police has foisted several cases against him and that they

have also opened a history sheet as H.S.No.28/2016. He would submit that in order to put the petitioner and other similarly placed accused under fetters, the respondent police has registered a false case against him under NDPS act. He would submit that the petitioner was arrested on 22.07.2020 and that he is in custody for the past about two months and that in all the other cases the petitioner has been granted bail. He would submit that A1, A2, A4 & A5 in his case have been arrested and enlarged on bail by the Trial Court. 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 is a history sheeted rowdy. She would submit that, on 22.07.2020, while the respondent police was on his usual rounds, the petitioner along with other accused was found illegal selling of ganja. On seeing the police party some of the accused have ran away from the scene of occurrence and the petitioner and the others have been arrested and remanded to the judicial custody on the same day. Hence, she opposed to grant bail to the petitioner.

5 Heard both the learned counsel and perused FIR.

6 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 22.07.2020, 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 Judicial Magistrate Court, Tambaram, Chennai, within a period of 15 days from the date of 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 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;

https://hcservices.ecourts.gov.in/hcservices/ (4) On perusal 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.

7 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,
TAMBARAM, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-6 SANKAR NAGAR POLICE STATION,
SANKAR NAGAR, CHENNAI

CC to M/S. C.BALAJI Advocate on payment of necessary charges

WEB COPY

CRL OP.15053/2020

Date :24/09/2020

RD 25/09/2020