

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2020

CORAM :

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

CRL.O.P.Nos.16415 and 16416 of 2020

1.Anbuselvan
2.Praveenraj
3.Mani

... Petitioners in Crl.O.P.16415/2020

1.Velmurugan
2.Senthilkumar
3.Balaguru

... Petitioners in Crl.O.P.16416/2020

Vs.

State Rep by
The Inspector of Police,
S-10 Pallikaranai Police Station,
Chennai-100
(Crime No.1270 of 2020)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail, pending investigation in Crime No.1270 of 2020 on the file of the respondent police.

For Petitioner : Mr.V.Franklin
(in both cases)

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)
(in both cases)

WEB COPY
ORDER

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 11.08.2020 for the offences punishable under **Sections 8 (c) , 20(b) (ii) (B) of Narcotic Drugs & Psychotropic Substances Act, 1985 and 328 of IPC**, in Crime No.1270 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de facto* complainant, the Sub Inspector of Police attached to the respondent police is that on 11.08.2020, he received a secret information from one of his informant that some of the accused are indulging in selling Ganja near Ottiyambakkam Bus Stand. Hence, he along with his party, went to the spot and were watching the movements in the location. At that time, the accused Anbuselvan, Pravin Raj, Arun Pandian were standing with a bag and on search, they were found in possession of 9 kgs. of Ganja and cash of Rs.39,000/-. On further information, the police went to Arasan Kazhani Bus stand where they arrested one Velmurugan, Senthil Kumar and Balaguru who were found in illegal possession of 2 kgs. of Ganja.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners were arrested on 11.08.2020 and they have been suffering incarceration for 90 days as on today and that the respondent has not yet filed the final report. He would further submit that the quantity of Ganja said to have been recovered from the petitioners are in between quantity and that there is no other case against the petitioners. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioners were found in possession of 11 kgs. of Ganja. He would further submit that the final report has not been filed and that there is no previous case against the petitioners.

5. Taking into consideration the facts and submissions made by the learned counsels and there is no previous case against the petitioners and the fact that the petitioners have been in judicial custody for 90 days till today and no charge sheet has been filed, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of **the Principal Judge, NDPS Court, Chennai**, 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 petitioners, on their release from prison, shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.m. until further orders;

(d) the petitioners shall not commit any offences of similar

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

09/11/2020

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 PRINCIPAL JUDGE,
NDPS COURT, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-10 PALLIKARANAI POLICE STATION,
CHENNAI- 100.

+2 CC to M/S V.FRANKLIN Advocate on payment of necessary charges SR.NO.7403, 7404

CRL OP.16415 & 16416/2020

Date :09/11/2020

TA-10/11/2020