

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.1111 of 2021

Kishore Kumar

.. Petitioner

Vs.

State rep. by

The Inspector of Police

S-12, Chitlapakkam,

Chennai-600064.

Crime No.892 of 2020.

....Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner/ Accused-2, on bail concerned in Cr.No.892 of 2020 pending before this Hon'ble Court.

For Petitioner : Mr.J.Athiamaan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.09.2020 for the offence punishable under Sections 8 (C) r/w 20(b)(ii)(C) of NDPS Act, in Crime No.892 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 20 kgs and 100 grams of Ganja.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, he has been arrayed as A2 and the contraband was recovered only from A1, in order to implicate this petitioner as an accused they have split the quantity and shown as if 20 kgs and 100 grams recovered from this petitioner. He would also submit that the petitioner is in custody for more than 132 days and he has no previous case pending against him. Hence, he prays for grant of bail to the petitioner.

4. The Learned Additional Public Prosecutor would submit that 20 kgs and 100 grams of Ganja was recovered from this petitioner. She would also submit that the quantity is a

commercial quantity and there is no previous cases pending against the petitioner.

5. Heard the learned Counsel on either side. Perused the materials placed on record.

6. Considering the facts and circumstances of the case and also considering the period of incarceration, 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 **the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.892 of 2020 and** execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate-I, Tambaram, failing which the bail granted by this Court shall stand dismissed automatically** 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 on his release from prison shall report before the learned Principal Special Judge for NDPS Cases, Chennai daily at 10.30 a.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.

-sd/-

29/01/2021

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 SPECIAL JUDGE FOR NDPS CASES,
CHENNAI

2 THE JUDICIAL MAGISTRATE,
NO.I, TAMBARAM.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
S-12, CHITLAPAKKAM,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

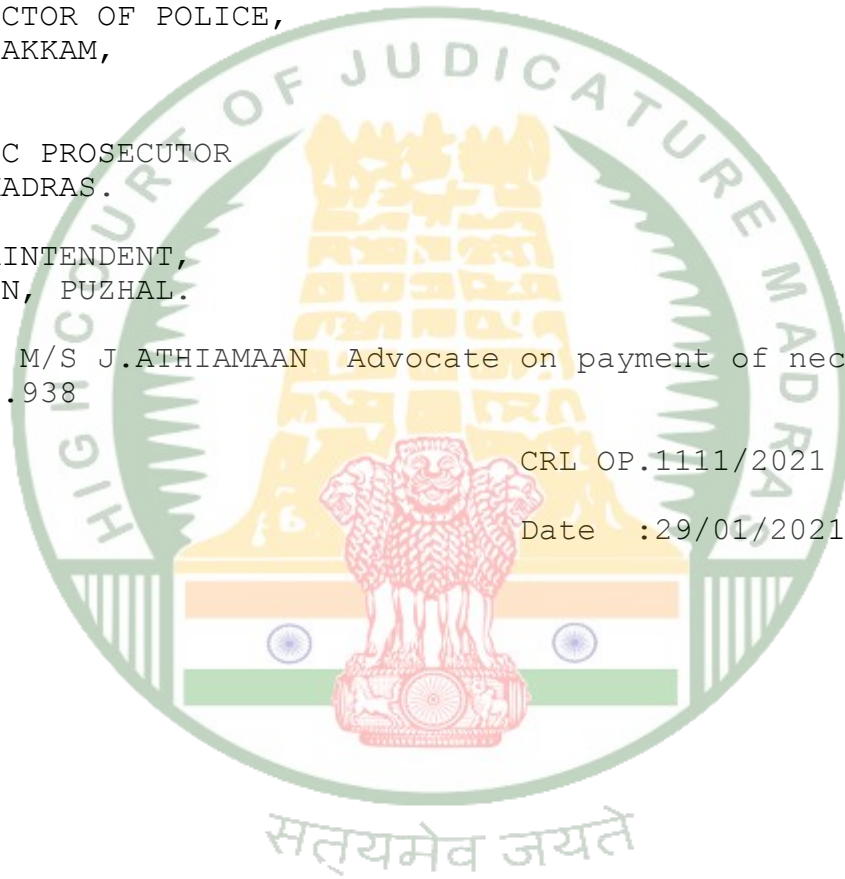
6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+2 CC to M/S J.ATHIAMAAN Advocate on payment of necessary
charges SR.NO.938

CRL OP.1111/2021

Date :29/01/2021

TA-29/01/2021



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