

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1157 of 2021

M.Tamilarasan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
NIB CID
Salem District
(Crime No.46 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.46 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. K.Nagendra Prasad

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 08.12.2020 for the offence punishable under Section 8(c), r/w 20(b) (ii) (B) of NDPS Act, in Crime No.46 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that on secret information, the respondent police waylaid the petitioner and found that he was in possession of 1.200 kgs of ganja. Hence, he was arrested on 08.12.2020 and after following the mandatory requirement, contraband was seized.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and due to personal enmity, he has been falsely implicated in this case. That apart, the respondent police has not followed the mandatory provisions while seizing the contraband. He would further submit that the petitioner is in judicial custody since 08.12.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 1.200 kgs of ganja. The respondent police after following the mandatory provisions seized the ganja and also arrested the petitioner and he has no bad antecedents.

5. Considering the above facts and circumstances and that the antecedents of the petitioner is not reported to have any bad antecedents and considering the fact that the petitioner was found in possession of 1.200 kgs of ganja which is minimum quantity and also taken into account the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner in subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on his executing a 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 learned Judicial Magistrate No.4, 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, on his release from prison, shall report before the respondent police, 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.

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

-sd/-
27/01/2021

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 JUDICIAL MAGISTRATE,
NO.4, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NIB CID,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.K.NAGENDRA PRASAD Advocate on payment of
necessary charges SR.NO.864

CRL OP.1157/2021

Date :27/01/2021

TA-29/01/2021

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