

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1870 of 2021

Prasanta Gouda

... Petitioner

Vs.

The Inspector of Police,
R-11, Royala Nagar Police Station,
Pallikaranai,
Chennai.
(Crime No.1138 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to grant bail to the petitioner in connection with the case registered in Cr.No.1138 of 2020 on the file of the respondent police, pending investigation.

For Petitioner : Mr.A.Anilan

For Respondent : Mr.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 02.01.2021 for the offence punishable under Section 8 (c) r/w. 20(b)(ii)(B) of NDPS Act in Crime No.1138 of 2020, seeks bail.

2. Totally there are 2 accused and the petitioner is A2. The case of the prosecution is on a secret information from one unknown person, the respondent police went to the scene of occurrence and A1 was found in possession of 1.130 grams of Ganja. Hence, a case has been registered.

3. The learned counsel for the petitioner would submit that this petitioner has been implicated in this case and nothing has been recovered from this petitioner. He would further submit that A1 in this case has already been released on bail. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that when the respondent police conducted raid on a secret information, they found A1 selling Ganja and he was assisted by A2. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that no contraband has been recovered from the petitioner/A2 and the main accused/A1 has already been released on bail and also considering the period of incarceration suffered by the petitioner, 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, NDPS Act Cases, 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 petitioner 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/-

05/02/2021

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 SESSIONS JUDGE,
NDPS ACT CASES, CHENNAI.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
R-11, ROYALA NAGAR POLICE STATION,
PALLIKARANAI, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.A.ANILAN Advocate on payment of necessary charges
SR NO. 1169

सत्यमेव जयते

CRL OP.1870/2021

Date :05/02/2021

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