

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1964 of 2021

1. Sudha
2. Jegadhambal

... Petitioners

Vs.

State Rep by
The Inspector of Police,
T-5, Thiruverkadu Police Station,
Chennai.
(Crime No.1038 of 2020)

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.1038 of 2020 on the file of the Inspector of Police, T-5, Thiruverkadu Police Station, Chennai.

For Petitioners: Mr.M.Vinoth

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

ORDER

(The case has been heard through video conference)

The petitioners, who was arrested and remanded to judicial custody on 13.12.2020 for the alleged offences punishable under Sections 8(C), 20(b), (ii) (B), & 29(1) of NDPS Act in Crime No.1038 of 2020, seeks bail.

2. Totally there are 3 accused in this case and the petitioners are A2 and A3. The case of the prosecution is that on a secret information from one unknown person, the respondent police went to the scene of occurrence and the petitioners along with some other persons were selling ganja and after following the mandatory requirements, they have seized 1.25kg of ganja from A1 and arrested all the accused. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that 1.25 grams of Ganja was recovered only from A1. He would further submit that the petitioners have not committed any offence as alleged by the prosecution. Hence, he prays to grant bail to the

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 was selling Ganja and he was assisted by the petitioners/A2 and A3. She would further submit that 1.25 kgs of ganja was recovered from A1. 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 petitioners/A2 and A3 and the contraband was recovered only from A1 which is small quality and also considering the period of incarceration suffered by the petitioner and they have no bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioners are 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 Judicial Magistrate Court, No.II Poonamalle 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 as and when required for interrogation.

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

(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 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/-
08/02/2021

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 JUDICIAL MAGISTRATE COURT,
NO.II, POONAMALLE.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-5, THIRUVERKADU POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
PUZHAL.

+1 CC to M/S. M.VINOTH Advocate on payment of necessary charges SR NO. 1294

WEB COPY

CRL OP.1964/2021

Date :08/02/2021

MN-09/02/2021