

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.04.2021

CORAM :

THE HON'BLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.3826 of 2021

Sathish @ Sathish Kumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai.
(Crime No.1169 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. 1169 of 2021 on the file of the Respondent Police.

For Petitioner : Mr.N.Saravanan

For Respondent : Mr.M. Prabavathi, APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 03.10.2020 for the offence punishable under Section 8(c) and 20(b)(ii) (B), 25 and 29(1) of NDPS Act 1985, seeks bail.

2. Totally there are 5 accused in this case and the petitioner herein is arrayed as A3. The case of the prosecution is that on 03.10.2020, the petitioner along with the other accused were in possession of ganja in different bags and insofar as this petitioner is concerned, he was in possession of 1.500 grams of ganja. Hence the case came to be registered against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody for more than a year and that there is no previous case pending against the petitioner. Hence he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner was found in possession of 1.500 grams of Ganja and the entire contraband has been seized.

Investigation is going on and, therefore, she vehemently opposed grant of bail to the petitioner.

5. Taking into consideration the quantity of contraband seized from the petitioner and further there being no previous case against the petitioner and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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 X Metropolitan Magistrate, Chennai Egmore, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/04/2021

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 X METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P-1, PULIANTHOPE POLICE STATION,
CHENNAI.

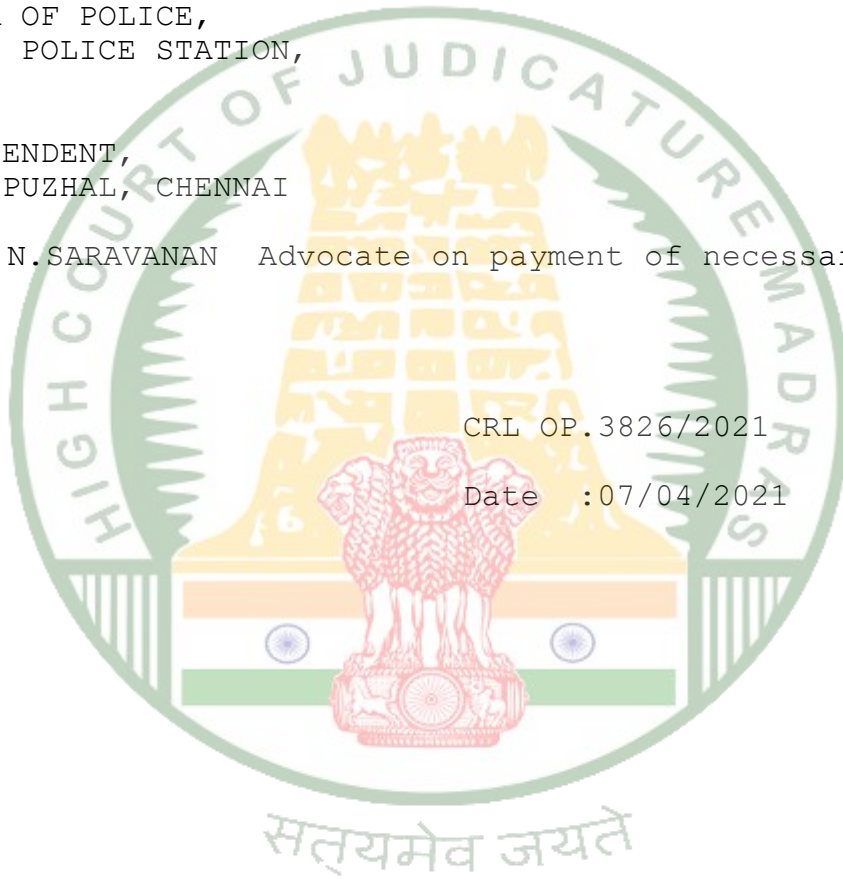
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

CC to M/S. N.SARAVANAN Advocate on payment of necessary charges
SR.NO. 4523

CRL OP.3826/2021

Date :07/04/2021

rvr 08/04/2021



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