

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4008 of 2021

1.Kori Pati Ram Babu
2.Kumari
3.Poloji Lakshmi

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
NIB, Santhi Colony
Veysarpadi,
Chennai-600 039.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1 of 2020 on the file of the Respondent.

For Petitioners : Mr. S.Prabhudoss

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 04.01.2020 for the offence punishable under Section 8(c), r/w 20(b)(ii)(c) & 29(1) of NDPS Act, in Crime No.1 of 2020, seek bail.

2. There are totally four accused in this case and the petitioners are A1, A3 and A4. The case of the prosecution as per the de-facto complainant is that on 04.01.2020, the petitioner along with three other accused have carried dry Ganja. On suspicion, the respondent has searched and found that A1 was found in possession of 6 kgs of Gaja and A3 and A4 were in possession of 5 kgs of Ganja each, likewise A2 was also found in possession of 6 kgs of Ganja and the same was seized after following the due process.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that there is no previous case against the petitioners and that the similarly placed co accused namely, A2 was enlarged on bail by this Court in CrI.O.P No. 20454 of 2020 on 18.01.2021. He would further submit that the petitioners are in judicial custody since 04.01.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that there are totally four accused in this case and the petitioners are A1, A3 and A4. All the accused were carrying totally 22 kgs of Ganja and A1 and A2 were found in possession of 6 kgs of Ganja each and A3 and A4 were found in possession of 5 kgs of Ganja each. The entire contraband has been seized from the accused. She would further submit that the co-accused/ A2 has been released on bail. She would further submit that investigation in this case has been completed and the final report has been filed and the matter was taken cognizance in C.C No.76 of 2020.

5. Considering the above facts and circumstances and the fact that the petitioners were found in possession of ganja less than the commercial quantity and there is no bad antecedents against the petitioners and also of the fact that the similarly placed co-accused has been released on bail and also taking note of the fact that the petitioners are in judicial custody from 04.01.2020, this Court is inclined to grant bail to the petitioners in subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two local sureties, each for a like sum to the satisfaction of the learned XIV Metropolitan Magistrate, Egmore, 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 petitioners, on their release from prison, shall report before the Special Court, NDPS, Chennai, daily at 10.30 a.m until further orders.

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
12/03/2021

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 METROPOLITAN MAGISTRATE
NO.XIV, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN)
PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

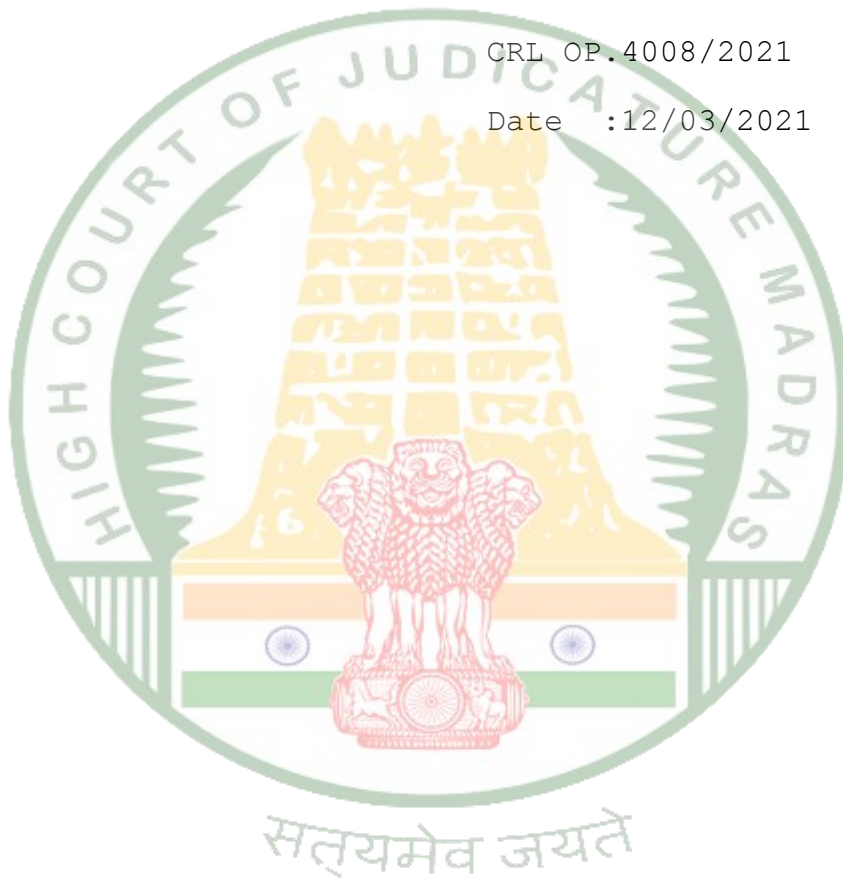
6 THE INSPECTOR OF POLICE,
NIB, SANTHI COLONY,
VEYSARPADI, CHENNAI-600 039.

+1 CC to M/S.S.PRABHUOSS Advocate on payment of necessary charges
SR.No.3248

CRL OP.4008/2021

Date :12/03/2021

cs 15/03/2021



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