

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7510 of 2021

Subbu @ Subramani

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
E-2 Royapettah Police Station,
Chennai.
(Crime No.1616 of 2020)

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.1616 of 2020 on the file of the respondent.

For Petitioner : Mr. T. S. Srinivasan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 16.10.2020 and remanded to judicial custody for the offences under Sections 8(c) r/w 20(b) (ii) (c),25 and 29(1) of NDPS Act in Cr.No.1616 of 2020 on the file of the respondent police, seeks bail.

2. Totally there are five accused in this case and the petitioner is A4. The case of the prosecution is that the petitioner and other accused were found in possession of 148 kgs of Ganja. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that initially A1 and A2 were arrested for the above offences and based on the confession statement given by A1 and A2 the petitioner searched the house of A3 where they found 30 kgs of Ganja and A4 was present in A3's house and nothing was recovered individually from this petitioner/A3 and he has been falsely implicated in this case and the petitioner has been in jail from 16.02.2020. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner/A3 along with other accused tried to sell the contra band illegally and the total contra band seized from all the accused were 148 kgs. She further submits that the investigation is almost completed.

5. Taking into consideration the fact that nothing was seized from the petitioner and he was only present in the scene of occurrence and the investigation is almost completed 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:

6. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the **learned Principal Special Judge, E.C and NDPS Act cases, Chennai** and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the 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 tamper with evidence or witness either during investigation or trial;

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

(e) on breach of any of the aforesaid conditions, the learned 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]**; and;

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

-sd/-

30/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE PRINCIPAL SPECIAL JUDGE
E.C. AND NDPS CASES, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
E-2, ROYAPETTAH PS,
CHENNAI.

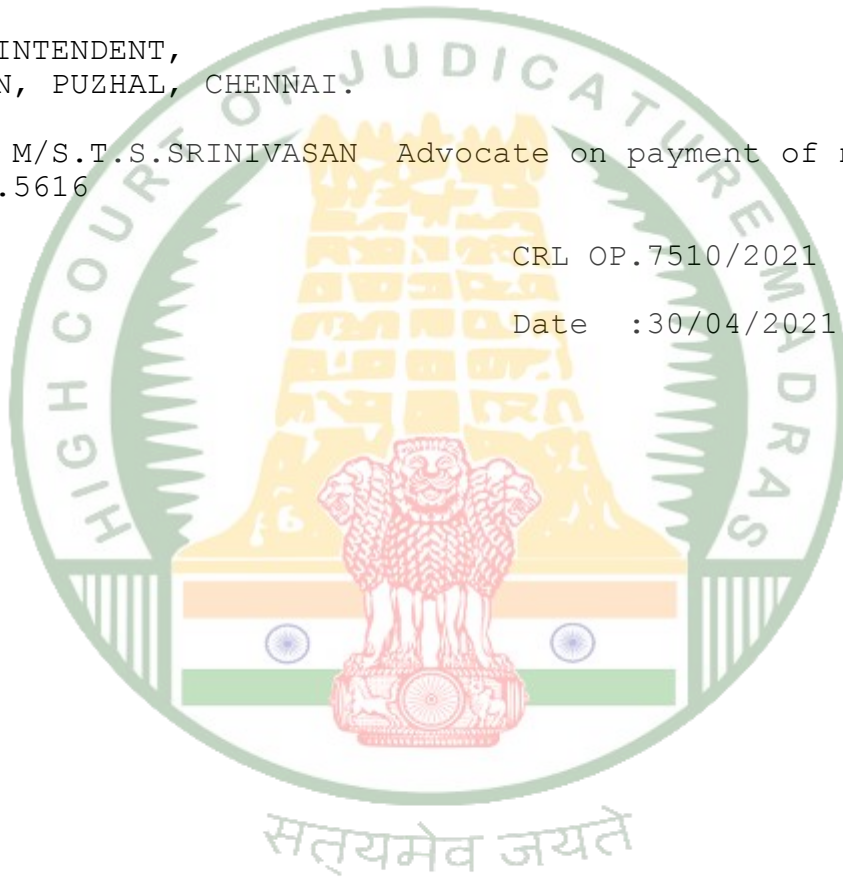
4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S.T.S.SRINIVASAN Advocate on payment of necessary
charges SR.NO.5616

CRL OP.7510/2021

Date :30/04/2021

TA-03/05/2021



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