

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8560 of 2021

Selvakumar

.. Petitioner

Vs.

State Rep. by
Inspector of Police
D2, Anna Salai Police Station
Chennai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.76 of 2021 on the file of the respondent/complainant i.e., on the file of the Inspector of Police, D-2 Anna Salai Police Station, Chennai.

For Petitioner : Mr.S.Kartik

For Respondent : Mr.Charles Premkumar
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. The petitioner was arrested and remanded to judicial custody on 16.03.2021 for the alleged offences under Sections 8(c), 20(b)(ii)(B) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.76 of 2021. He seeks bail.

3. The learned Government Advocate (Criminal Side) would strongly oppose for grant of bail by pointing out that the petitioner is having two other cases against him.

4. The Contraband was small quantity of Ganja but on the same day, the petitioner was implicated in one another case also. Considering the quantity involved and the fact that the continued incarceration is not going to serve any purpose, I am inclined to grant bail 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 Metropolitan Magistrate No.II, 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 petitioner shall not commit any offences of similar nature;

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

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) 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];

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

5. With the above directions, this Criminal Original Petition is ordered.

-sd/-
05/05/2021

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-II
EGMORE, CHENNAI.

2 THE CHEIF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
D2, ANNA SALAI POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

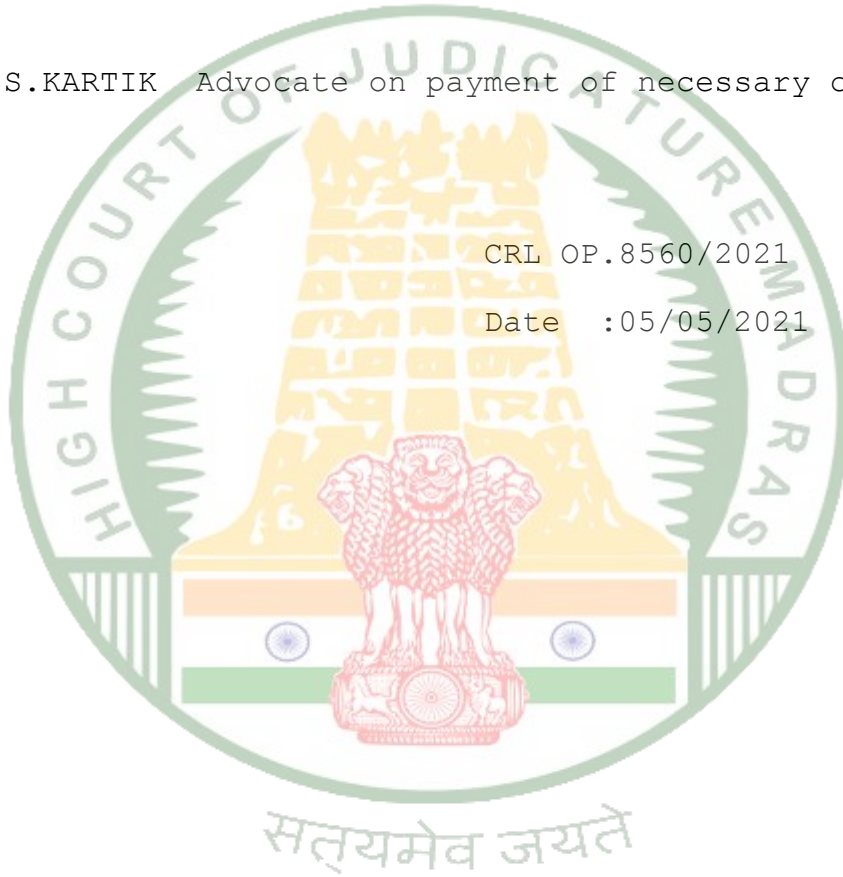
5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.KARTIK Advocate on payment of necessary charges

CRL OP.8560/2021

Date :05/05/2021

MN-06/05/2021



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