

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2021

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.8970 of 2021

Ramesh

...Petitioner

Versus

State represented by
The Inspector of Police,
NIB CID,
Salem District.
(Crime No.19/2021)

...Respondent

Criminal Original Petition is filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the case in Crime No.19 of 2021 pending investigation on the file of the respondent/police.

For Petitioner : Mr.E.K.Kumaresan

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 27.03.2021 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 25 of the NDPS Act in Crime No.19 of 2021 pending on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner was in possession of 1.400 kg of ganja.

3. The learned counsel for the petitioner would submit that the petitioner has been in judicial custody since 27.03.2021. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent strongly opposed this bail petition on the ground that the petitioner was in possession of 1.400 kg of ganja.

5. Considering the fact that ganja seized in this case is of intermediate quantity and also the fact the petitioner in judicial

custody since 27.03.2021 and also considering the prevailing COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail, on he executing a personal 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 Judicial Magistrate No.IV, Salem and on further conditions that:

(a) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders;

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

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

(d) on breach of any of the aforesaid conditions, the learned Magistrate Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

(e) if the petitioner/accused thereafter absconds a fresh FIR can be registered under Section 229A IPC.

-sd/-

12/05/2021

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

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

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TO

1 THE JUDICIAL MAGISTRATE NO.IV,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
NIB CID,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.E.K.KUMARESAN Advocate on payment of necessary
charges SR.NO. 6075

CRL OP.8970/2021

Date :12/05/2021

MN-13/05/2021



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