

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9392 of 2021

Ramesh

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
E-1, Mamallapuram
Chengalpet District
(Crime No.139 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Cr. No.139 of 2021 pending before the Respondent Police.

For Petitioner : Mr.S.N. Arun Kumar

For Respondent : Mr.E.Rajthilak
Government Advocate (Crl side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 15.04.2021 for the offences under Sections 8(c), 20(b)(ii)(B) of NDPS Act, in Cr. No.139 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that they seized 1200 grams of Ganja from the petitioner based on the secret information and arrested the petitioner and remanded him to the judicial custody on 15.04.2021.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and has not committed any offence alleged by the respondent police and the petitioner undertakes to abide by any conditions that may be imposed on him upon due enlargement on bail.

4. The learned counsel appearing for the State vehemently opposed the grant of bail.

5. Considering the aforesaid facts and also taking into consideration the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions :-

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of Central Prison, Puzhal, Chennai, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each for like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Thirukazhukundram.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four weeks therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) the sureties shall affix their photographs and left thumb impression in the surety bond and the District Munsif-cum-Judicial Magistrate, Thirukazhukundram, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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

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

(h) on breach of any of the aforesaid conditions, the learned District Munsif-cum-Judicial Magistrate, Thirukazhukundram, 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 District Munsif-cum-Judicial Magistrate, Thirukazhukundram, himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

-sd/-

20/05/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUKAZHUKUNDRAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-1, MAMALLAPURAM,
CHENGALPET DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges Sr.6279

CRL OP.9392/2021

Date :20/05/2021

RVR 02/06/2021