

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10480 of 2021

1.Nithyanandham @ Nithya
2.Sugumar

... Petitioners

Vs.

The State Represent by
The Inspector of Police,
Palur Police Station,
Chengalpattu.
Crime No.97 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in connection with the case in Cr.No.97 of 2021 pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.Paramasiva Doss

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1 side)

ORDER

The petitioners, who were arrested on 21.04.2021 and remanded to judicial custody for the offences under Section 8(c) r/w. 20 (b)(ii)(B) NDPS Act in Cr.No.97 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were in illegal possession of 1kg and 200 grams of Ganja and the same was seized by the respondent Police. Therefore, they were arrested and remanded to judicial custody.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and further that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence prays for grant of bail.

4. The learned Government Advocate (Cr1.Side) submitted that there are no previous cases of similar nature pending against the petitioners and the investigation is pending.

5. Considering the fact that the recovered contraband is not a commercial quantity and the period of incarceration suffered by the petitioners and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jailer, Sub Jail, Maduranthagam, in which the petitioners are confined and on such execution the petitioners shall be released from prison;

(b) Within a period of four weeks after the release, the petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Chengalpattu;

(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 petitioners are permitted to file appropriate petition within a period of four week 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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

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

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

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

6. In the result, this Criminal Original Petition is ordered.

-sd/-
23/06/2021

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 JUDICIAL MAGISTRATE NO.I,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE JAILER,
SUB-JAIL, MADURANTHAGAM.

4 THE INSPECTOR OF POLICE,
PALUR POLICE STATION,
CHENGALPATTU.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.PARAMASIVA DOSS Advocate on payment of
necessary charges SR NO.6744

CRL OP.10480/2021

Date :23/06/2021

MK:24/06/2021