

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10812 of 2021

S. Prakash

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
D-2 Anna Salai Police Station,
Chennai.
(Crime No.561 of 2019)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.561 of 2019 on the file of the respondent police.

For Petitioner : Mr.P. Thinesh

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 31.03.2020 and remanded to judicial custody for the offences under Sections 8(c) and 20(b)(ii)(B) of NDPS Act 1985 in Cr.No.561 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were in possession of narcotic drugs of 1,100 kgs each. Earlier the petitioner had indulged in the similar offence and he was granted bail by the Court below in Crl.M.P.No.16 of 2020 before the Principal District NDPS and Pc Judge, Chennai, but the petitioner had not complied with the conditions imposed by the Court below, due to which the bail order was cancelled and the petitioner was arrested. Hence, the law enforcing registered a case against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 31.03.2020. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that even though the petitioner was granted bail by the Court below, the petitioner has not complied with the conditions imposed by the Court below, due to which the bail order was cancelled. Hence, he opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner 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 the 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 a like sum to the satisfaction of the II Metropolitan Magistrate, Chennai

(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 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 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 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;

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

-sd/-

24/06/2021

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 NO.II METROPOLITAN MAGISTRATE,
CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

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

सत्यमेव जयते CRL OP.10812/2021

Date :24/06/2021

RVR 25/06/2021

WEB COPY