

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.19472 of 2020

Karthik.V

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Redhills Police Station
Chennai District.
(Crime No.3789 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.3789 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.T.K.Saravanan

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.08.2020 for the offences punishable under Sections 8(c), 20(b)(ii)(c), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.3789 of 2020, seeks bail.

2. There are totally four accused in this case and the petitioner is A4. The case of the prosecution is that on a secret information received by the respondent police on 18.08.2020, they waylaid a car, viz., TATA ACE Dost, bearing Registration No.TN-64-P 1042, and found 18 nos. of plastic gunny bags containing 451 kgs of ganja. Hence, after following the mandatory procedures, the respondent police seized the entire contraband and also arrested A1- Arun Pandian, and A2-Vignesh. Thereafter, crime has been registered against them. Subsequently, during investigation, the police analysed the call details of the accused mobile phone and based on that contact numbers, they examined one Deepika, who is said to be the friend of the petitioner, and she has stated that on 17.08.2020, the petitioner introduced one Sirajudeen to her, and both of them stayed

in her house and on 18.08.2020, this petitioner hurriedly booked a call taxi and when the said Deepika questioned him, he replied that his friend Sirajudeen sent his friend Arun Pandian to Andhrapradesh to purchase ganja and while he was bringing the same, near Redhills, the police caught hold him. Subsequent investigation reveals that Sirajudeen was also involved in the occurrence and hence, the petitioner was made as an accused and subsequently, he was arrested on 18.08.2020.

3. The learned counsel for the petitioner would submit that admittedly, all the contrabands have been seized from A1 and A2. The allegation against the petitioner is that he had arranged a call taxi for A3 and facilitate him to escape, and he did not involve in transporting the ganja. He would further submit that the petitioner has been in judicial custody since 18.08.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor vehemently opposed this bail application stating that the petitioner is the friend of A3 and he had only helped A3 to escape from the scene of occurrence. The confession of A3 as well as the statement of Deepika, who is friend of the petitioner, clearly reveals that the petitioner is also involved in the occurrence and the case was registered. Apart from this, the petitioner is having four previous cases which are for offence under Section 379 IPC.

5. At this juncture, the learned counsel for the petitioner would submit that all the previous cases are not related to offence under Section NDPS Act and out of four cases, three cases have been closed and the fourth case is only for offence under Section 379 IPC.

6. The only allegation against the petitioner is that he had only arranged a car enabling A3 to escape from the house. Apart from that, no other role has been attributed against him in transporting the contraband and no contraband has been seized from this petitioner. The petitioner is in judicial custody for more than 158 days.

7. Considering the above facts and circumstances, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on his executing 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 Principal Special Judge, (EC & NDPS Court), 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, on his release from prison, shall appear before the respondent police daily at 10.30 a.m until further orders.

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) 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];

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

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

-sd/-

22/01/2021

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 PRINCIPAL SPECIAL JUDGE
(EC AND NDPS COURT), CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
REDHILLS POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S.T.K.SARAVANAN Advocate on payment of necessary charges
SR.No.778

CRL OP.19472/2020

Date :22/01/2021