

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20454 of 2020

Chinthakayala Sacha Venkatasacha Narayana @ Seenu

... Petitioner

Vs.

State Rep by
Inspector of Police,
NIB, Shanthi Colony,
Veysarpadi, Chennai-600 039.
(Crime No.01 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.01 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.S.Prabhudoss

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 04.01.2020 for the alleged offence under Sections 8(c) r/w 20(b) (ii) (c) & 29(1) of NDPS Act in Crime No.01 of 2020, seeks bail.

2. There are totally four accused in this case and the petitioner is A2. The case of the prosecution as per the de facto complainant is that on 04.01.2020, the petitioner along with three other accused have carried dry Ganja. On suspicion, the respondent has searched and found that the petitioner was in possession of 6 Kg. of Ganja, likewise the other accused were also found in possession of Ganja and the same was seized after following the due process.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that there is no previous case against the petitioner and that he was having minimum quantity of 6 Kg Ganja and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that there are totally four accused in this case and that the petitioner along with three other persons, who belong to State of Andhra Pradesh, were found in illegal possession of 22 Kg of Ganja, which is a commercial quantity and that the petitioner alone was found in possession of 6 Kg of Ganja. She would submit that after completing the investigation, final report has been filed by the respondent and the case is now posted for appearance of the accused and at this stage, if the petitioner is granted bail, he will definitely indulge in similar offence.

5. Considering the facts and submissions made by the learned counsels and the fact that the petitioner was found in possession of 6 Kg of Ganja, which is a minimum quantity, there is no bad antecedent against the petitioner, the investigation also over and the matter is ready for trial, also considering the period of incarceration suffered by the petitioner, 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 condition to execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned XIV Metropolitan Magistrate, Egmore, 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 report before the respondent police every day 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.

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

-sd/-
18/01/2021

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 METROPOLITAN MAGISTRATE
NO.XIV, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
NIB, SANTHI COLONY,
VEYASARPADI, CHENNAI-600 039.

CC to M/S S.PRABHU DOSS Advocate on payment of necessary charges

WEB COPY

CRL OP.20454/2020

Date :18/01/2021

cs 19/01/2021