

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20266 of 2020

Rathul Porah

... Petitioner

Vs.

State Rep by

The Inspector of Police,
NIB, CID Kancheepuram Police Station,
Kancheepuram District.
(Crime No.8 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.8 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.R. Sasikumar

For Respondent : Mrs.M.Prabhavathi,
Additional 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 24.01.2020 for the alleged offence under Sections 8(c), r/w 20(b) (ii) (B), 25, 29(1) of N.D.P.S Act in Crime No.8 of 2020, seeks bail.

2. The case of the prosecution is that totally there are 4 accused in this case and the petitioner is A4. The allegation is that the petitioner along with other accused was found in possession of 5 kgs of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that out of 4 accused, 3 accused were already granted bail by the Trial Court itself. He would further submit that the petitioner is in judicial custody for more than one year. Hence, he prays to grant bail to the petitioner. He would submit that the petitioner is prepared to furnish sureties and also prepared to abide by any stringent conditions to be imposed by this Court.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner along with other accused were found in possession of 5 kgs of Ganja. He would further submit that all the accused belong to Assam State and the co-accused persons who were granted bail, did not appear before the Trial Court. She would further submit that if the petitioner was granted bail, he will also abscond. Hence, she vehemently opposed grant of bail to the petitioner.

5. Considering the fact that the co-accused persons have already released on bail and 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.10,000/- (Rupees Ten Thousand only) with two sureties out of which one surety from his native place and one local surety for a like sum to the satisfaction of the District Munsif-Cum Judicial Magistrate, Sriperumbudur 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 Special Judge, I additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai on all working days 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 55601;

(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/-
08/02/2021

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SPECIAL JUDGE,
I ADDITIONAL SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER NDPS ACT, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
NIB, CID KANCHEEPURAM POLICE STATION,
KANCHEEPURAM DISTRICT.

+1CC to M/S R.SASIKUMAR Advocate on payment of necessary
charges SR NO.1271

CRL OP.20266/2020

Date :08/02/2021

MK:09/02/2021