

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20974 of 2020

Arun

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
P5 MKB Nagar Police Station
Chennai
(Crime No.1086 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.1086 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. B.Gopalakrishnan

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.11.2020 for the offence punishable under Section 8 (c), r/w 20(b) (ii) (B) of NDPS Act 1985, in Crime No.1086 of 2020, seeks bail.

2. There are totally three accused in this case and the petitioner is A3. The allegation is that the petitioner along with other accused were found in illegal possession of 2 kgs of Ganja, On suspicion, they were searched by the respondent police and after following the mandatory requirement, contraband and two-wheeler have been seized.

3. The learned counsel for the petitioner would submit that originally A1 was in possession of the ganja which was handed over to A2, inturn, A2 handed over the same to A3, and he received the ganja without knowing the complications. He would further

submit that the petitioner is in judicial custody since 11.11.2020. He would further submit that the co-accused/A1 & A2 have been released on bail. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that the petitioner along with two other accused were in possession of 2 kgs of ganja. The entire contraband has been seized from this petitioner. She would further submit that the co-accused/A1 & A2 have been released on bail and investigation in this case has been completed.

5. Considering the above facts and circumstances and also considering the fact that the petitioner was in possession of 2 kgs of ganja which is minimum quantity and also of the fact that the co-accused have been released on bail and also taking note of the fact that the petitioner is in judicial custody from 11.11.2020, this Court is inclined to grant bail to the petitioner in 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 learned X 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, 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.

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

-sd/-
20/01/2021

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 X METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHEIF METRTOPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
P5 MKB NAGAR POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II, CHENNAI.

+1 CC to M/S.B.GOPALAKRISHNAN Advocate on payment of necessary charges SR NO. 562

WEB COPY

CRL OP.20974/2020

Date :20/01/2021

MN-21/01/2021