



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.20860 of 2021

Viswanathan

... Petitioner/Sole Accused

Vs.

State represented by
The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District.
(Crime No.436 of 2021)

...Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with Crime No.436 of 2021 on the file of the respondent.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.09.2021 for the offences under **Sections 8 (b) read with 20 (a)(i) of NDPS Act**, in Crime No.436 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the when the police was on duty, they received secret information that one Viswanathan has planted Ganja plants along with Tapiaco plants in his agricultural land. the petitioner was found in possession of 6 Ganja plants in his land without obtaining proper permission from the Government. Hence, this Complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and no way connected with this case. The petitioner is in the judicial custody for the past 40 days. Hence, seeks bail.



4. The learned Government Advocate (Crl.Side) states that, property was recovered from the land which worth about 500 grams. There is no previous case. Investigation is yet to be completed.

5. Considering the fact that, the property was recovered and there is no previous case as well as the petitioner was under the judicial custody for more than 40 days, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 **Judicial Magistrate, Pennagaram** and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until for orders.

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

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

(e) 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;

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

-sd/-
16/11/2021

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.



1 THE JUDICIAL MAGISTRATE,
PENNAGARAM, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PAPPARAPATTI POLICE STATION,
DHARMAPURI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL JAIL, DHARMAPURI.

+1 CC to M/S.V.SAKKARAPANI Advocate on payment of necessary
charges SR.NO.12813

CRL OP.20860/2021

Date :16/11/2021

TA-17/11/2021