



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

CrI.O.P.No.21862 of 2021

Gopikrishna

... Petitioner

Vs.

The State Rep. By
The Inspector of Police,
H-3, Police Station,
Tondiarpet, Chennai - 600 081.
(Crime No.1212 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail concerned in Crime No.1212 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Balakrishnan

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 30.11.2019 for the offences under **Sections 8(C) read with 20(b) (ii) (B) 22(c) 25 and 29(1) of the NDPS Act, 1985 r/w Sections 147, 148 of IPC, 1860**, in Crime No.1212 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.07.2021, the petitioner/A2 was found in illegal possession of 1.500 kgs. of Ganja and 1125 of Nitrovet Tablets respectively and on enquiry, it was found that the same was purchased from A1/the petitioner. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case based on the confession of the



co-accused. He would submit that the investigation has been completed and the final report has been filed and that the petitioner has been suffering incarceration for about nearly four months from 19.07.2021. Hence, he would pray for grant bail to the petitioner. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, are ready and willing to contribute a sum of **Rs.25,000/-** to the credit of the Dhanabakkiammal Social Welfare Trust, D-3, 1/338, Vasantham Apartment, Sabari Salai, Madipakkam, Chennai - 91, A/C.No.921010003441816, Axis Bank, Madipakkam Branch, IFSC Code:UTIB0000083, Cell No.9840894264.

4. The learned Government Advocate appearing for the respondent raised formal objection and would admit that the investigation is almost completed. He would also submit that A1 has been arrested on 19.07.2021 and the property also recovered.

5. Considering the above facts and also the period of incarceration undergone by the petitioner and he has no previous case, 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, for a like sum to the satisfaction of the **learned Principal Special Court under E.C and NDPS Act, 1985, Chennai - 600 104**, and on further condition 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), to the credit of the Dhanabakkiammal Social Welfare Trust, D-3, 1/338, Vasantham Apartment, Sabari Salai, Madipakkam, Chennai - 91, A/C.No.921010003441816, Axis Bank, Madipakkam Branch, IFSC Code:UTIB0000083, Cell No.9840894264

(c) the petitioner shall report before the respondent police, on every Friday at 10.30 a.m. until further orders;

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

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



(f) 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;

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

-sd/-

23/12/2021

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 COURT UNDER E.C AND
NDPS ACT, 1985, CHENNAI-600 104.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
H-3, POLICE STATION,
TONDIARPET, CHENNAI-600 081

4 THE SUPERINTENDENT
CENTRAL PRISON NO.1, PUZHAI, CHENNAI.

5 THE DHANABAKKIAMMAL SOCIAL WELFARE TRUST,
D-3, 1/338, VASANTHAM APARTMENT, SABARI SALAI,
MADIPAKKAM, CHENNAI-91.
A/C.NO.921010003441816, AXIS BANK,
MADIPAKKAM BRANCH,
IFSC CODE:UTIB0000083, CELL NO.9840894264

CC to M/S.K.BALAKRISHNAN Advocate on payment of necessary charges

CRL OP.21862/2021

Date :23/12/2021

TA-27/12/2021