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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.22244 of 2021

Prabhakaran

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Padalam Police Station,
Chengalpattu District.
(Cr.No.534 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.534 of 2021 on the file of the Padalam Police Station, Chengalpattu District.

For Petitioner : Mr.R.C.Paul Kanagaraaj

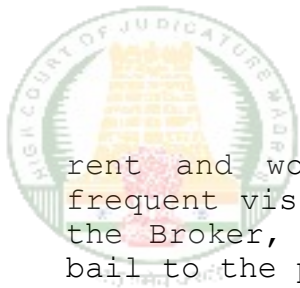
For Respondent : Mr.S.Balaji
Government Advocate (Crl. Side)

O R D E R

The petitioner who was arrested on 28.08.2021 for the offence under Sections 8(c), 20(b)(ii)(c) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.534 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that based on the secret information the law enforcing agency intercepted the other accused and seized 61.400 Kgs of Ganja from the rented house of the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is the owner of the house and he entrusted the same to A2 for rent and would further submit that the petitioner is a B.Tech Graduate and is having manufacturing industry in East Tambaram and the petitioner has five dwelling units out of which, one dwelling unit was let out to A2 for



rent and would further submit that the petitioner does not have frequent visit to the house let out by him and based on the advise of the Broker, he let out the premises for A2 and prayed for grant of bail to the petitioner.

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4.The learned Government Advocate (Cr1. Side) submitted that the contraband was seized from A2 from the premises owned by the

petitioner and on instructions from the law enforcing agency would further submit that the petitioner is not residing in the said premises and would further submit that there is no previous case as against the petitioner.

5.Considering the fact that there is no previous case as against the petitioner and the fact that the the contraband was seized from A2 from the premises owned by the petitioner and since the petitioner is not residing in the said premises and considering the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner.

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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I at Chengalpattu 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 report before the respondent police, daily at 10.30 a.m. until further 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 petitioners 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.

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-sd/-
30/11/2021

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE INSPECTOR OF POLICE
PADALAM POLICE STATION,
CHENGALPET DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.KRISHNA KUMAR Advocate on payment of necessary charges SR.NO.13774

CRL OP.22244/2021

Date :30/11/2021

RW 01/12/2021