



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

WEB COPY

CORAM:

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

Crl.O.P.No.22265 of 2021

M.Neelakandan

...Petitioner

Vs.

The State by
The Inspector of Police,
Panamarathupatti Police Station,
Salem.
(Crime No.78 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in the Crime No.78 of 2021 pending on file of the Inspector of Police, Panamarathupatti Police Station, Salem.

For petitioner : Mr.B.Kumarasamy

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

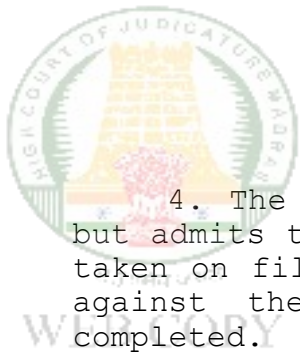
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 06.08.2021 for the offences under Section 8(c) r/w 20(b)(ii)(B), 25 of NDPS Act 1985, in Crime No.78 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police officials were conducting vehicle check up based on a secret information, the petitioner was found in possession of 6Kgs of ganja. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he is no way connected with the alleged offence. He would further submit that the petitioner has been suffering incarceration for more than 110 days from 06.08.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection but admits that the charge sheet has been filed and the same has been taken on file in Spl.C.C.No.57 of 2021 and there is no previous case against the petitioner and that the investigation is almost completed.

5. Considering the fact that there is no previous case against the petitioner and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, 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 learned Principal Special Judge, EC & NDPS Act, Salem, 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 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 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/-
01/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY



1 THE PRINCIPAL SPECIAL JUDGE,
EC & NDPS ACT, SALEM.

2 THE INSPECTOR OF POLICE,
PANAMARATHUPATTI POLICE STATION,
SALEM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. B. KUMARASAMY Advocate on payment of necessary
charges SR.NO.13799

CRL OP.22265/2021

Date :01/12/2021

CSK 01/12/2021