



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

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

Cr1.O.P.No.23269 of 2021

Narasimman

...Petitioner

Vs.

State, rep. by
The Inspector of Police
Nangavalli Police Station
Salem District.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.359 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Rajavelayutham

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 07.11.2021 for the offences under Sections 8(c) r/w 20(b)(ii) (B) of NDPS Act in Crime No.359 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.11.2021, when the respondent police officials were on regular patrol duty, the petitioner along with another accused were found in illegal possession of 1.250 kgs of ganja and the same were seized from them. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 35 days from 07.11.2021. However, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.20,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) raised objection stating that the petitioner along with another accused were found in illegal possession of 1.250 kgs of ganja and the same were seized from them. He further submits that there is no previous case against the petitioner and investigation was almost completed.

5. Considering the period of incarceration undergone by the petitioner and the banned tobacco products were seized and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.20,000/- for charitable purpose, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 Judicial Magistrate-II, Mettur and on further condition that:

(a) the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the Registered Advocates Clerks Association, Mettur, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

(c) the petitioner shall report before the respondent police daily on every day 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.

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-sd/-

15/12/2021

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 JUDICIAL MAGISTRATE,
NO.II, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

4 THE INSPECTOR OF POLICE,
NANGAVALLI POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, METTUR.

+1 CC to M/S.M.P.RAJAVELAYUTHAM Advocate on payment of necessary charges SR.NO.14837

CRL OP.23269/2021

Date :15/12/2021

RW 15/12/2021