



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2021

CORAM:

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

CrI.O.P.No.24258 of 2021

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Prem

...Petitioner

Vs.

The State Rep By Inspector of Police
M-8, Sathangadu Police Station
Thiruvallur District.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in the event of the arrest concerned in Crime No.690 of 2021 on the file of the respondent police.

For Petitioner : Mr.Mohammed Iqbal

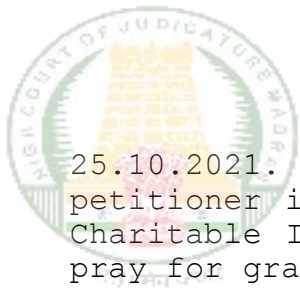
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 25.10.2021 for the offences under Sections 8(c), 20(b)(ii) (B), 32B(d) of NDPS Act 1995, as amended by act 9/2021 and r/w under Section 77, J.J. (Care and Protection of Children) Act 2015 in Crime No.690 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.10.2021, the respondent police received a secret information about the illegal sale narcotic substances i.e., Ganja, and immediately, the respondent police rushed to the spot ie., Sathya Moorthy Nagar near Government Middle School, Thiruvottiyur. At that time, the petitioner was sitting in an unsuspecting manner and during check-up, they found that the petitioner was in illegal possession of 1,200 kgs of ganga without any valid license and permit and sold the same to the school going children and general public and the same were seized from him. 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 50 days from



25.10.2021. However, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) raised objection stating that the petitioner was sitting in an unsuspicious manner and during check-up, they found that the petitioner was in illegal possession of 1,200 kgs of ganga without any valid license and permit and sold the same to school going children and general public and the same were seized from him. He further submits there is one previous case against the petitioner and it is similar in nature and the investigation was almost completed.

5. Considering the period of incarceration undergone by the petitioner and also considering no previous case, and the investigation was also completed and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- 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 District Munsif-Cum-Judicial Magistrate, Thiruvottiyur and on further condition that:

(a) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Madras High Court Advocate Clerks Welfare Association, Chennai, 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 on every Tuesday and Saturday at 10.30 a.m., for a period of two months;

(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/-

16/12/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUVOTTIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
M-8, SATHANGADU POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE MADRAS HIGH COURT
ADVOCATE CLERKS WELFARE ASSOCIATION,
CHENNAI

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to M/S. MOHAMMED IQBAL Advocate on payment of necessary
charges Sr.14887

CRL OP.24258/2021

Date :16/12/2021

RVR 16/12/2021