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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22/12/2021

CORAM:

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

Crl.O.P.No.24915 of 2021

R. Harish

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
T - 8, Muthapudupet Police Station,
Chennai
(Crime No.483 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.483 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Ganesh Kumar
for Mr. M.Padmanaban

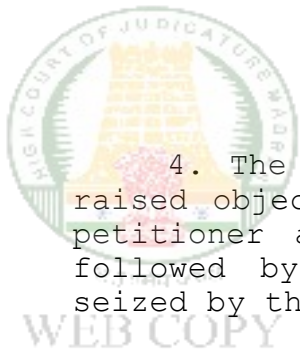
For Respondent : Mr.N.S.Suganthan
Government Advocate(Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 26.08.2021 for the offences under Sections 8(C) read with 20(b) (ii) (C) and 25, 29 (1) of NDPS Act, in Crime No.483 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, the petitioners were found in illegal possession of 24kg of Ganja by using two wheeler and Bolero Pickup Vehicle. 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 and he is the college student, based on the confession of the co-accused, the petitioner was implicated in this case and that the petitioner has been suffering incarceration for about nearly three months from 26.08.2021. Hence, he would pray for grant bail to the petitioner.



4. The learned Government Advocate appearing for the respondent raised objection stating that at the time of alleged occurrence the petitioner along with another person riding two wheeler which was followed by Bolero Pickup Van wherein the contraband items were seized by the police

5. On perusal of the FIR it reveals that petitioner only ridden the two wheeler, he had not possessed any contraband items and A1 involved in this case has been arrested and remanded in judicial custody and the investigation was almost completed and the petitioner being a college student, if he released on bail no way to abscond.

6. Considering the above facts and also the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. 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 NDPS Special Judge, Chennai, 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 5.30 p.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.

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-sd/-

22/12/2021

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 NDPS SPECIAL
JUDGE, CHENNAI

2 INSPECTOR OF POLICE,
T-8, MUTHAPUDUPET POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

+2 CC to M/S.M.PADMANABAN Advocate on payment of necessary
charges SR.NO.15306

CRL OP.24915/2021

Date :22/12/2021

RVR 23/12/2021