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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

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

Cr1.O.P.No.36 of 2022

Parthiban @ Jagan

...Petitioner

Vs.

The Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District.
Crime No. 286 of 2021

...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.286 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Balaji

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

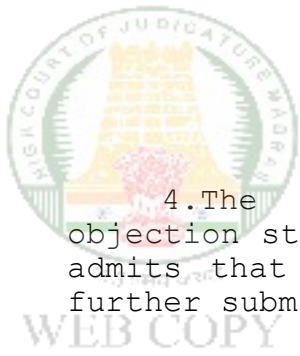
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 24.08.2021 for the offences under Sections 8(c), 20(b)(ii) (B) of NDPS Act, in Crime No.286 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.08.2021, on secret information the respondent police officials went to Anvarthikanpettai railway station, Arakonam Taluk, and searching near Anvarthikanpettai thorny bushes and found that the petitioner was found in possession of 1Kg Ganja in a black polythene bag. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that the petitioner has been suffering incarceration for more than 130 days from 24.08.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner has got five previous cases but admits that all the cases in the year of 2018 and 2019. He would further submit that the investigation is almost completed.

5. Considering the above facts and circumstances of the case and the fact that 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.

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Special Judge for EC/NDPS Court, Salem, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall appear before the respondent police daily at 5.30 p.m. until further orders;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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10/01/2022

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 SPECIAL JUDGE FOR
EC/NDPS COURT, SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE INSPECTOR OF POLICE
ARAKKONAM TALUK POLICE STATION,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S D.BALAJI Advocate on payment of necessary charges

CRL OP.36/2022

Date :10/01/2022

RW 11/01/2022