



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

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CORAM:

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

Crl.O.P.No.117 of 2022

Ram @ Ramu

...Petitioner

Vs.

State Re by
Inspector of Police,
Royapettah Police Station,
Chennai District.
(Crime No.556 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.556 of 2021 on the file of the Inspector of Police, Royapettah Police Station, Chennai District.

For petitioner : Mr.P.Muthamizh Selvakumar

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 08.12.2021 for the offences under Sections 8(C), 20(b)(ii)B of Narcotic Drugs and Psychotropic Substances Act, 1958, in Crime No.556 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.12.2021 at about 08.00 hrs, when the respondent police parties were on their regular patrol duty, found the petitioner and others in possession of banned Tobacco products weighing 1 Kg. and 300 grams in a Van bearing Registration No. TN 03 F 5406. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is arrayed as A3 and he is no way connected with the alleged offence. Admittedly, the petitioner has got two previous cases but those cases are related to the year 2016 and thereafter, the petitioner did not involve in any illegal activities and the



petitioner has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 40 days from 08.12.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (CrI. Side) submitted that the petitioner along with other accused was found illegally transporting banned Tobacco products weighing 1.3 Kgs and that the petitioner has got two previous cases but admits that all the accused have been secured and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that all the accused have been secured and 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.

(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), before the learned Principal Special Court Under EC & NDPS Act, Chennai-104, 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 on every Tuesday at 10.30 a.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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-sd/-
19/01/2022

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 PRINCIPAL SPECIAL COURT
UNDER EC & NDPS ACT, CHENNAI-104.

2 THE INSPECTOR OF POLICE,
ROYAPETTAH POLICE STATION,
CHENNAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S P. MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges

CRL OP.117/2022

Date :19/01/2022

CSK 19/01/2022