



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.01.2022

CORAM:

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

Crl.O.P.No.301 of 2022

Ayyandurai

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
(Crime No.475 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.475 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.M.Jaya Chandran

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 22.10.2021 for the offences under Section 8(c) r/w 20 (a) (i) of NDPS Act in Crime No.475 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 found that the petitioner has cultivated 45 kanja plants and the same was seized in the petitioner's land at Pettamugialm village. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instruction, the petitioner on his own volition, without prejudice his rights, is ready and willing to pay a sum of Rs.75,000/- for charitable purpose, as may be directed by this Court. He further submits that the petitioner was suffering incarceration for 80 days from 21.10.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would raise objection stating that the petitioner has cultivated 45 kanja plants and he further submitted that the petitioner has no previous case and the investigation was almost completed.

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5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed and the petitioner on his own volition, without prejudice his rights, is ready and willing to pay a sum of Rs.75,000/- for charitable purpose, this Court is inclined to grant bail to the petitioner with conditions.

[a] 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; the petitioner is directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) as non-refundable deposit through RTGS/NEFT/Demand Draft in favour of the SRI ARUNODHAYAM CHARITABLE TRUST, 45. Sivananda Nagar, Kolathur, Chennai-600 099, HDFC Bank, Dayalu Nagar, Villivakkam Branch, A/c No.50100196910687, IFSC Code:HDFC0004221, Cell.No.8608971037 and Tel.No.91-44-26511450.

[b] the petitioner shall execute two sureties each like sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Judicial Magistrate, Denkanikottai, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[d] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders and the petitioner shall also file an undertaking affidavit stating that he will not cultivate the kanja plants in future;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;



[g]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;

[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

31/01/2022

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 JUDICIAL MAGISTRATE, DENKANIKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE SRI ARUNODHAYAM CHARITABLE TRUST,
45. SIVANANDA NAGAR, KOLATHUR, CHENNAI-600 099,
HDFC BANK, DAYALU NAGAR, VILLIVAKKAM BRANCH,
A/C NO.50100196910687, IFSC CODE:HDFC0004221,
CELL.NO.8608971037 AND TEL.NO.91-44-26511450.

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

CRL OP.301/2022

Date :31/01/2022

RVR 01/02/2022