



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

Cr1.O.P.No.283 of 2022

1. Ranjithkumar
2. Prabhakaran

..Petitioners

Vs.

The State Rep. By
Inspector of Police,
NIB-CID, Chennai.
(Crime No.27 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail, pending investigation in Crime No.27 of 2021 on the file of the respondent police.

For Petitioners : M/s.R.Sankarasubbu

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

O R D E R

The petitioner who was arrested and remanded to judicial custody on 18.09.2021 for the offences under Sections 8(C) with 20(b)(ii)(C) and 29(1) of NDPS Act, in Crime No.27 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioners were found in illegal possession of 28 kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and that they have been suffering incarceration for the past 130 days from 18.09.2021. Hence, he prays to grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would raise strong objection stating that the petitioners were found in illegal possession of 28 kgs of Ganja. He further submits that there is no previous case pending against these petitioners and the investigation was almost completed.



5. Considering the submissions made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.20,000/- (each) (Rupees Twenty Thousand Only), to the credit of Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the said Cancer Institute for the treating the patients.

6. It is made clear that the deposit of the amount by the petitioners to the said Institute would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the facts and circumstances of the case and the fact that the investigation is completed and there is no previous case against the petitioners and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) the petitioners are directed to deposit a sum of Rs.20,000/- each (Rupees Twenty Thousand Only) as non-refundable deposit through RTGS/NEFT/Demand Draft in favour of the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch. On proof of such deposit, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Special Court for NDPS Cases, Chennai, 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 petitioners shall report before the respondent police on every Tuesday at 10.30 a.m. until further orders.

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



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

(g) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-

25/01/2022

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.

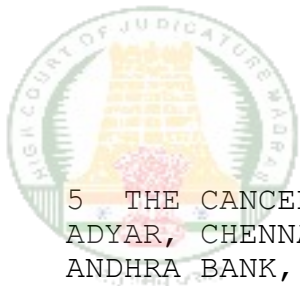
TO

1 THE SPECIALCOURT FOR NDPS CASES,
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NIB CID, CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI



5 THE CANCER INSTITUTE (WIA) (REGIONAL CANCER CENTRE),
ADYAR, CHENNAI - 600020, BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH.

WEB COPY

+2 CC to M/S.R.SANKARASUBBU Advocate on payment of necessary
charges Sr.1154

CRL OP.283/2022

Date :25/01/2022

RVR 27/01/2022