



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

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

Crl.O.P.No.1911 of 2022

1.Kalaiselvan
2.Ganesh

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
NIB CID Police Station,
Nagapattinam.
(Crime No.10 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.10 of 2021 on the file of the respondent.

For Petitioners : Mr.N.A.Manimaran

For Respondent : Mr.L.Baskaran
Government Advocate (Crl side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 15.10.2021 for the offences under Sections 8 (c) r/w 20 (b), (ii) (c) and 29 (i) of NDPS Act, in Crime No.10 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 19.03.2021 the Coast Guard Group Inspector received a secret information that the petitioners were kept Ganja for smuggling to Srilanka. The Inspector along with Sub-Inspector of Police and NIB CID Special Sub Inspector of Police have searched the farm which belongs to A2 and found 60 polythene bags, in which, contain 2 kgs of Ganja. Hence, the complaint.



3. The learned Counsel for the petitioners submit that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners were suffering incarceration for more than 120 days from 15.10.2021. He further submits that the investigation has also been completed. Hence, he seek to grant bail to the petitioners.

4. The learned Government Advocate (Crl side) raised objection stating that the petitioners were in possession of 120 Kgs of Ganja. He further submitted that the A1 is having one previous case. Further he submits that the A2 and A3 having no previous case and the investigation almost completed. However, he opposed grant of bail to the petitioners.

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, this Court is inclined to grant bail to the petitioners with conditions.

(a) the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Principal Special Court for EC & NDPS Act cases, Thanjavur.

(b)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;

(c) the petitioners are direct to deposit a sum of Rs.20,000/- to the credit of Registered Advocate Clerk Association Nagapattinam.

(d) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two months, until further orders

(e)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioners 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 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]; and;



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

WEB COPY

-sd/-

18/02/2022

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
FOR EC & NDPS ACT CASES, THANJAVUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUKOTTAI.

3 THE INSPECTOR OF POLICE,
NIB CID POLICE STATION,
NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERK ASSOCIATION, NAGAPATTINAM.

+1 CC to M/S. NA.MANIMARAN Advocate on payment of necessary charges SR.NO.2686

CRL OP.1911/2022

Date :18/02/2022

RW 21/02/2022