



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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

Crl.O.P.No.1848 of 2022

WEB COPY

Raji @ Thadiraj

... Petitioner

Vs.

State by
Inspector of Police,
H6 Police Station,
R.K.Nagar, Chennai
(Crime No.2166 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.2166 of 2021 on the file of the Inspector of Police, H6 Police Station, R.K.Nagar, Chennai.

For Petitioner : Mr.Ambedkar

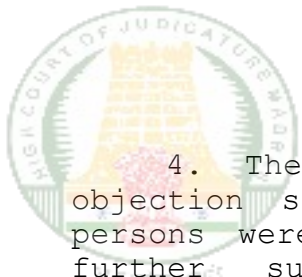
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 01.12.2021 for the offences under Sections 8(c), 20(b)(ii)(B), of NDPS Act in Crime No.2166 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the secret information that the respondent police went to the scene of occurrence, at that time, the petitioner along with other persons were found in illegal possession of 2 kgs of Ganja. 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. He further submits that some of the co-accused were already enlarged on bail by the Principal Special Court under EC and NDPS Act, Chennai in Crl.MP.No.3452 of 2021 dated 29.11.2021. He further submits that the petitioner was suffering incarceration for 58 days from 01.12.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) would raise objection stating that the petitioner along with other accused persons were found in illegal possession of 2 Kgs of Ganja. He further submits that all the accused persons were secured. He also submits that the petitioner is having one previous case for the offence under Section 302 IPC. He further submits that the petitioner's earlier bail petition was dismissed by this Court in Crl.OP.No.288 of 2022 dated 07.01.2022. Hence, he vehemently opposed to grant bail to the petitioner.

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 some of the accused persons were enlarged on bail by the lower Court, 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;

[b] the petitioner shall execute two sureties each like sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the XV Metropolitan Magistrate Court, George Town, Chennai-1 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 everyday at 10.30 a.m. until further orders;

[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/-

28/01/2022

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 XV METROPOLITAN MAGISTRATE
COURT, GEORGE TONW, CHENNAI-1

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE,
CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
H6 POLICE STATION,
RK NAGAR, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

6 THE PRINCIPAL SPECIAL COURT
UNDER EC AND NDPS ACT, CHENNAI

CC to M/S S.AMBEDKAR Advocate on payment of necessary charges
Sr.1339

CRL OP.1848/2022

Date :28/01/2022

RVR 31/01/2022