



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

WEB COPY

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

Crl.O.P.No.2362 of 2022

Surei Prdhan

.. Petitioner

Vs.

State Rep by
The Inspector of Police
NIB CID, Kanchepuram.
(Crime No.18 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.18 of 2021 on the file of the respondent police.

For Petitioner : Mr.N.Anbalagan
For V.Anandhan

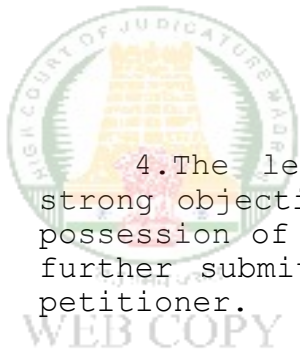
For Respondent : Mr.S.Suganthan
Government Advocate (Crl side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.08.2021 for the offences under Sections 8 (c) r/w 20 (b) (ii) (B) of NDPS Act in Crime No.18 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police on regular patrol duty, they found that the petitioner was involved in illegal possession of 7 kgs of kanja. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He further submits that the petitioner has been suffering incarceration for more than 150 days from 05.08.2021. However, on instructions, he submits that the petitioner without prejudice to his rights, on his own volition is ready to deposit an amount of Rs.20,000/- to any Charitable Purpose as may be directed by this Court. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner was found in illegal possession of 7 kgs of kanja and he belongs to state of Odisha. He further submitted that there is no previous case as against the petitioner.

5. Considering the above facts and circumstances of the case and also also considering period of incarceration undergone by the petitioner and the petitioner without prejudice to his rights, on his own volition is ready to deposit an amount of Rs.20,000/- to any Charitable Purpose, this Court is inclined to grant bail to the petitioner on certain 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 is directed to deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the Tamil Nadu Advocate Clerk Association, Chennai, and on such deposit, the petitioner shall execute two sureties and out of which, one surety must be a blood surety for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS act, 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 petitioner shall report before the respondent police daily 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.

-sd/-
02/02/2022

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 SPECIAL JUDGE,
I ADDITIONAL SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER NDPS ACT, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

3 THE INSPECTOR OF POLICE,
NIB CID,
KANCHEEPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
CHENNAI,

+1CC to M/S. V.ANANDHAN Advocate on payment of necessary
charges SR.NO.1691

CRL OP.2362/2022

Date :02/02/2022