



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

WEB COPY

CORAM:

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

Crl.O.P.No.1762 of 2022

Sivasankaran @ Pittu

... Petitioner

Vs.

The State of Tamil Nadu,
Rep by the Inspector of Police
H-3, Tondiarpet Police Station,
Chennai -600 021.
(Crime No.1212 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge him on on bail pending case in the Cr.No.1212 of 2021 (on the file of the respondent police).

For Petitioner : Mr.M.Illiyas

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

ORDER

The petitioner who was arrested and remanded to judicial custody on **19.07.2021** for the offences under **Sections 8(c), r/w 20(b) (ii) (B), 22(c), 25 and 29(1) of NDPS Act and under Section 147, 148 of IPC** in Crime No.1212 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.07.2021, the petitioner/A1 was found in illegal possession of 1.500kgs of ganja and 1125 of Nitrovet tablets respectively for the purpose of selling high price. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 183 days from 19.07.2022. However, on instructions, he submits that the petitioner without prejudice to his rights, on his own volition, is ready and



willing to pay a sum of **Rs.25,000/-** to any Charitable Institute as may be directed by this Court Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised formal objection and admits that the investigation was almost completed and there is no previous case against the petitioner. He further submits that the co-accused was already enlarged on bail by this Court in Crl.OP.No.21862 of 2021 dated 23.12.2021.

5. Considering the submissions made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand Only)**, to the credit of **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** without prejudice to his rights and contentions.

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

(a) the petitioner is directed to **deposit a sum of Rs.25,000/- (Rupees Twenty 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**. On proof of such deposit, 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 for a sum of Rs.10,000/- (Rupees Ten Thousand only)**, before the learned Principal Special Court under E.C and NDPS Act, 1985, Chennai-600 104. 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 on everyday 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/-
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 THE PRINCIPAL SPECIAL COURT UNDER
E.C AND NDPS ACT, 1985, CHENNAI-600 104.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
H-3, TONDIARPET POLICE STATION,
CHENNAI -600 021.

4 THE SUPERINTENDENT
CENTRAL PRISON NO.1, PUZHAL, CHENNAI.

5 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.ILLIYAS Advocate on payment of necessary charges

CRL OP.1762/2022

Date :28/01/2022

TA-31/01/2022