



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM:

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

Cr1.O.P.No.3045 of 2022

1.Sakthivel
2.Chinnasamy

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Paparapatti Police Station,
Dharmapuri District.
(Crime No.509 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.509 of 2021 on the file of the respondent.

For Petitioners : Mr.N.Ponraj

For Respondent : Mr.Baskaran
Additional Public Prosecutor.

ORDER

The petitioners who were arrested and remanded to judicial custody on 14.11.2021 for the offences under Sections 8 (c), r/w 20 (b) (ii) (B) of NDPS Act, 1985, in Crime No.509 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police were on regular patrol found that the petitioners were in illegal possession of 18 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. However, on instruction, the petitioners on his own volition, without prejudice his rights, is ready and willing to pay a sum of Rs.10,000/- each for charitable purpose, as may be directed by this Court. He



further submits that the petitioner was suffering incarceration for 100 days from 14.11.2021. Hence, he seek to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would raise objection stating that the petitioner was in illegal possession of 18 kgs of Ganja and he further submitted that the petitioners have no previous case and the investigation was almost completed.

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 petitioners and the investigation was almost completed and the petitioners on their own volition, without prejudice his rights, is ready and willing to pay a sum of Rs.10,000/- each for charitable purpose, this Court is inclined to grant bail to the petitioner with conditions.

(a) the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) (each) to the Registered Advocate Clerks Association, Dharmapuri, on such deposit, the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial magistrate, Pennagaram failing which the bail granted by this Court shall stand dismissed automatically;

(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 shall report before the respondent police daily at 10.30 a.m., for a period of two months and thereafter as and when required for interrogation;

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

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

(f) 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;



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

WEB COPY

-sd/-
11/02/2022

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 JUDICIAL MAGISTRATE,
PENNAGARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PAPARAPATTI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, DHARMAPURI.

CC to M/S.N.PONRAJ Advocate on payment of necessary charges

CRL OP.3045/2022

Date :11/02/2022

JPA 14/02/2022