



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

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CORAM:

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

Crl.O.P.No.2386 of 2022

Senthil Kumar

.. Petitioner

Vs.

State Rep by
The Inspector of Police
C-1 Flower Bazar Police Station,
Chennai.
(Crime No.695 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.695 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Thirugnanam

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.12.2021 for the offences under Sections 8 (c) r/w 20 (b) (ii) (B) and 25 of NDPS Act in Crime No.695 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secret information the respondent police was on regular patrol, they found that the petitioner was in illegal possession of 2.500 kgs of kanja. Hence, the complaint.

3.The learned counsel for the petitioner would submit 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 40 days from 17.12.2021. However, on instructions, he furthermore submits that the petitioner without prejudice to his rights, on his own volition is ready to deposit an amount of Rs.15,000/- for 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 found an illegal possession of 1½ kgs of ganja . 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.15,000/- for 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 shall make a non-refundable deposit of Rs.15,000/- (Rupees Fifteen thousand only) to the credit of Kaakkum Karangal Old Age Home, 89/47, Santhome High Road, Santhome, Chennai-600 028, A/c No.000101219273, ICICI Bank, Santhome Branch, IFSC Code:ICIC0003432, MICR Code:600229120, Swift Code: ICICINBBXXX, Mobile No.9840068800 and on such deposit, the petitioner shall execute two sureties each like for a sum Rs.10,000/- (Rupees Ten Thousand only) before the learned Metropolitan Magistrate, VIII, George Town, 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;

(d) 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;

(e) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;



(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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(i) 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];

(g) 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 METROPOLITAN MAGISTRATE NO.VIII,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

4 THE INSPECTOR OF POLICE,
C-1 FLOWER BAZAR POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE KAAKKUM KARANGAL OLD AGE HOME,
89/47, SANTHOME HIGH ROAD,
SANTHOME, CHENNAI-600 028,
A/C NO.000101219273, ICICI BANK,
SANTHOME BRANCH, IFSC CODE:ICIC0003432,
MICR CODE:600229120, SWIFT CODE: ICICINBBXXX,
MOBILE NO.9840068800

+1CC to M/S.S.STALIN Advocate on payment of necessary charges
SR.NO.1676

CRL OP.2386/2022

Date :02/02/2022

MK:03/02/2022