



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2856 of 2022

Karthick

...Petitioner

Vs.

The State of Tamilnadu,
Representd by the Inspector of Police,
S11, Tambaram Police Station,
St.Thomas Mount, Chennai 600 045
(Crime No.1571 of 2020)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioner on bail in Cr.No.1571 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Thirumaran

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 01.12.2021 for the offences under Section 21(b), 22(b), 29(1) and 8(c) of NDPS Act, 1985 in Crime No.1571 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first accused was found in possession of a polythene carry bag containing 367 intoxicating drug tablets of NITRA VET and 208 tablets of TAPENTADOOL TABLETS (TYDEL 100) and the total weight of the drug tablets was 258.85 grams. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is the first



time offender, nothing was recovered from this petitioner. He specifically submitted that the petitioner is under judicial custody from 01.12.2021 onwards. Hence, he prays for bail.

4. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the offence committed by the petitioner is a heinous one. However, she would admit during the time of securing this petitioner, the respondent police has not recovered any contraband. She further submitted that in the present case, investigation has been completed and charge sheet has also been filed before the Principal Special Court under EC & NDPS Act, Chennai

5. The submissions made by the learned Counsel on either side are considered.

6. It seems from the records that the respondent police registered a case as against the petitioner for the offence punishable under Sections 21(b), 22(b), 29(1) and 8(c) of NDPS Act, 1985. As of now, investigation has been completed and charge sheet is filed. The petitioner is the first time offender. During the time of securing the petitioner, none of the contraband have been seized from this petitioner. In the said circumstances, he is in judicial custody from 01.12.2021 onwards.

7. Therefore, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner is ordered to be released on bail to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Principal Special Court under EC & NDPS Act, Chennai.

(b) 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;

(c) the petitioner shall report before the Principal Special Court under EC & NDPS Act, Chennai daily at 10.30 a.m. until further orders.

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

(e) 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];

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

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

14/02/2022

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 PRINCIPAL SPECIAL COURT UNDER EC & NDPS ACT,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE INSPECTOR OF POLICE,
S11, TAMBARAM POLISE STATION,
ST.THOMAS MOUNT, CHENNAI - 600 045.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. A.THIRUMARAN Advocate on payment of necessary charges SR.NO.2315

CRL OP.2856/2022

Date :14/02/2022

INBA~15/02/2022