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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Crl.O.P.No.2724 of 2022

Purushothaman

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
M-4, Redhills Police Station,
Chennai.
(Crime No.3301 of 2020)

...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.3301 of 2020 on the file of the respondent.

For Petitioner : Mr.Mathan Raj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.07.2020 for the offences under Section 8(c), 20(b)(ii) (c), 25 & 29(1) of NDPS Act, 1985 in Crime No.3301 of 2020, 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 was on regular patrol, they found that the petitioner was in illegal possession of 42 kgs of Ganja. Hence, the complaint.

3. The learned Counsel for the petitioner submits that he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instruction, the petitioner on his own volition, without prejudice his rights, is ready and willing to pay a sum of Rs.20,000/- for charitable purpose, as may be directed by this Court. He further submits that the petitioner was suffering incarceration from 13.07.2020. Hence, he seeks to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) would raise objection stating that the petitioner was in illegal possession of 42 kgs of Ganja and he further submitted that there is no previous case pending against him and charge sheet has been filed.

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5. Considering the facts and circumstances of the case and that the petitioner on his own volition, without prejudice his rights, is ready and willing to pay a sum of Rs.20,000/- for charitable purpose, this Court is inclined to grant bail to the petitioner with 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 Madras High Court Advocate Clerks Welfare Association, Chennai on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-II, Pooneri 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 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 and 5.30 p.m for a period of one month and thereafter on every Wednesday at 10.30 a.m for a period of two months thereafter as and when required for interrogation;

(e) the petitioner shall appear before the trial Court regularly on every hearing dates;

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

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

(h) on breach of any of the aforesaid conditions, the learned 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]; and;



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

-sd/-

04/02/2022

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,
NO.II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
M-4, REDHILLS POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

6 THE MADRAS HIGH COURT ADVOCATE
CLERKS WELFARE ASSOCIATION, CHENNAI

CC to M/S. J.RAMKUMAR Advocate on payment of necessary charges
SR.NO.1961

CRL OP.2724/2022

Date :04/02/2022

RVR 07/02/2022