



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.2815 of 2022

Murugan

... Petitioner / Accused

versus

State Rep. by
The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai District.
(Crime No.15 of 2022)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.15 of 2022 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

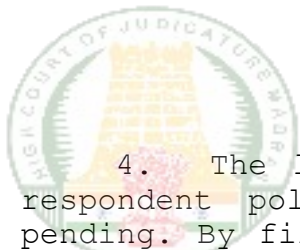
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.01.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.15 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.01.2022, the petitioner was found in possession of 1.200 kgs of Ganja in a car bearing registration No.TN-54-U-8047. Hence, the complaint.

3. The learned counsel appearing 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 in judicial custody from 09.01.2022 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. By filing counter, she would submit that, the petitioner is having 4 previous cases and so, if this type of petitioner is released on bail, he may try to tamper the witness and hamper the investigation.

5. Considered the submissions made by the learned counsel on either side. This case has been registered against the petitioner for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Admittedly, during the relevant point of time, after securing the accused, the contraband weighing 1.200 kgs alone recovered from the petitioner. The contraband recovered from the petitioner, is not classified as commercial quantity. Though the petitioner is having 4 previous cases, those cases are not registered under the provision of NDPS Act.

6. Therefore, taking note of the above said aspects into consideration and also for the reason that a portion of investigation has been completed and by considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall 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 learned Judicial Magistrate No.I, Thiruvannamalai;

(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 is directed to appear before the respondent police daily at 10.00 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.

WEB COPY

-sd/-
21/02/2022

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.I, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THIRUVANNAMALI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.SASIKUMAR Advocate on payment of necessary charges SR.NO.2683

CRL OP.2815/2022

Date :21/02/2022

JPA 21/02/2022