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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.3609 of 2022

Karthik

... Petitioner

Vs.

The State rep. by
The Inspector of Police
D-4, Padalam Police Station,
Chengalpet District.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioner on bail in Crime No.534 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.K.A.Chandrajithu

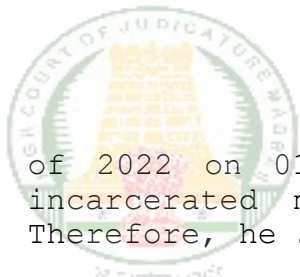
For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 28.08.2021 for the offences under Sections 8(c) r/w 20(b)(ii)(c) and Section 25 of NDPS Act, 1985 in Crime No.534 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.08.2021, the petitioner along with other accused persons were found in illegal possession of 61.400 Kgs of Ganja. 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 based on the confession statement of the other accused, this petitioner has been implicated in this case. He further submitted that co-accused had already been enlarged on bail by this Court in Crl.O.P.Nos.24949 of 2021 and 1599



of 2022 on 01.02.2022. He also submitted that the petitioner was incarcerated more than six months ie., from 28.12.2021 onwards. Therefore, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the petitioner was in illegal possession of 61.400 Kgs of ganja and he is having four previous cases, similar in nature. However she admits that the investigation is almost completed.

5. Submissions made by the learned Counsel appearing on either side are considered.

6. The respondent police registered a case against the petitioner for the offence punishable under Sections 8(c) r/w 20(b) (ii)(c) and Section 25 of NDPS Act, 1985. It is the specific submission that the co-accused are enlarged on bail. Though the petitioner is having four previous cases, as of now he is in incarceration from 28.08.2021 onwards.

7. Therefore, taking note of all the above said aspects into consideration, and on considering the submission made by the learned counsel on either side and on considering the fact that the co-accused had already released on bail and particularly, on considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) the petitioner is ordered to be released on bail on executing 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.1, Chengalpattu.

(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 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



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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/-
22/02/2022

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, CHENGALPET

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
D4 PADALAM POLICE STATION,
CHENGALPET DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S K.A.CHANDRAJITHU Advocate on payment of necessary charges SR.NO.2750

CRL OP.3609/2022

Date :22/02/2022

JPA 22/02/2022