



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

THE HON'BLE MR.JUSTICE Dr.G.JAYACHANDRAN

Cr1.O.P.No.4469 of 2022

1. Kavitha
2. Manikandan

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Hosur Police Station.
(Crime No.693 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pending investigation in Crime No.693 of 2021 on the file of the respondent police.

For Petitioners : Ms.V.Suguna

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.12.2021 for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.693 of 2021, on the file of the respondent police, seek bail.

2. Based on the information, the respondent police had proceeded to Kamaraj Colony, Uzhavar Market, Hosur and intercepted one Kavitha viz., first petitioner herein and Ajith (A2) and recovered 4Kg of ganja from the first petitioner and 2kg of ganja from the said Ajith. Thereafter, based on the information given by these two persons, the respondent police proceeded to the residence of one Manikandan to whom the contraband was supposed to be delivered. From the residence of Manikandan (A3) viz., the second petitioner herein, 2.100 Kg of ganja has been seized.



3. The petitioners are A1 and A3 came before this Court seeking bail, on the ground that they are innocents and they have been falsely implicated in this case and they are in prison for more than two months.

4. Records indicate that these petitioners were arrested on 25.12.2021 and the specific case of the prosecution is that the first petitioner was in possession of 4 Kg of ganja and the second petitioner was in possession of 2 Kg of ganja.

5. Considering the quantity of the contraband and the stage of the investigation, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) each of the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Judge for EC/NDPS Act Cases, Salem.

(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 petitioners are directed to appear before the Investigating Officer daily at 10.00 am., until further orders.

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
07/03/2022

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 SPECIAL JUDGE,
SPECIAL COURT FOR EC/NDPS ACT CASES,
SALEM.

2 THE INSPECTOR OF POLICE,
HOSUR POLICE STATION,
SALEM

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE OFFICER INCHARGE,
WOMEN SUB JAIL, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S C.MUNUSAMY Advocate on payment of necessary charges
SR.NO.3487

CRL OP.4469/2022

Date :07/03/2022

JPA 07/03/2022