



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.5352 of 2022

Vishnu

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Harur Police Station,
Dharmapuri District.
(Crime No.755 of 2021)

... Respondent

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.755 of 2021 on the file of the respondent police.

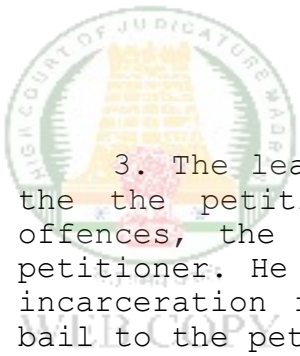
For Petitioner : Mr.J.Pradeep

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.11.2021 for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act in Crime No.755 of 2021, on the file of the respondent police, seeks bail.

2. Based on the secret information received from the informant, the petitioner herein was apprehended. It is alleged that the case of the prosecution is that respondent police had recovered 1.1 kgs of ganja from the polythene bag which was in possessed by the petitioner.



3. The learned Counsel for the petitioner states that in view of the the petitioner's antecedents of being involved in other IPC offences, the present false complaint has been foisted against the petitioner. He further submits that the petitioner has been suffering incarceration for more than 120 days. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submits that there are 14 previous cases pending against the petitioner and out of which, one case is registered under NDPS Act by Harur Police Station in Cr.No. 1516 of 2020. He further submits that investigation almost completed and final report is also filed before the trial Court.

5. On perusal of FIR, which indicates that the seizure was done by the Sub Inspector of Police, who was authorized to conduct search and further the investigation already been completed and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

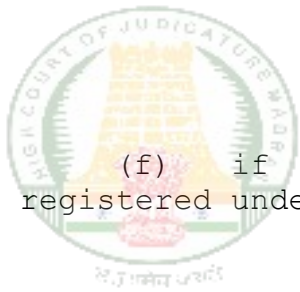
(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the The Special Judge for E.C & NDPS Act Cases, Salem

(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 petitioner shall appear before the trial Court on each and every hearing date and shall co-operate for trial proceedings.

(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.

-sd/-
14/03/2022

WEB COPY

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 FOR E.C &
NDPS ACT CASES, SALEM

2 THE INSPECTOR OF POLICE,
HARUR POLICE STATION,
DHARMAPURI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.PRADEEP Advocate on payment of necessary charges

CRL OP.5352/2022

Date :14/03/2022

JPA 15/03/2022