



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11658 of 2022

MALLIGA

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE

KANNANKURICHI POLICE STATION

SALEM DISTRICT.

(CRIME NO.322 OF 2022)

For Petitioner : M/S.S.ARIVAZHAGAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner herein, who was arrested and remanded to judicial custody on 05.04.2022 for the alleged offence under Section 8(c) read with 20(b)(ii)(B) of NDPS Act in Crime No.322 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 1.150 Kgs of ganja.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

4. In the present case, the petitioner is said to be having five previous cases which relates to prohibition of offences. That apart, the quantity of contraband that was seized from the petitioner falls within "In between quantity". The contraband has already been seized by the respondent police and the petitioner has already suffered incarceration for nearly 49 days. Hence, this Court is inclined to enlarge the petitioner on bail subject to certain conditions.



5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5000/- (Rupees Five Thousand only) with two sureties, out of which one surety shall be a local surety, each for a like sum to the satisfaction of the learned Special Judge for EC Act/NDPS Act Cases Judge, Salem and on further conditions that:-

[a] 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.

[b] the petitioner shall report before the respondent police on every Monday at 10.30 a.m for a period of eight weeks, thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

23/05/2022

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 FOR EC ACT/NDPS ACT CASES JUDGE,
SALEM.



2 THE INSPECTOR OF POLICE
KANNANKURICHI POLICE STATION
SALEM DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, WOMEN PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.ARIVAZHAGAN Advocate on payment of necessary
charges SR.No.7802

CRL OP.11658/2022

Date :23/05/2022

CSK 24/05/2022