



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL ORIGINAL PETITION No.11965 of 2022

P.SASIKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE

M-5, ENNORE POLICE STATION,
CHENNAI.

CRIME NO.907 OF 2021.

For Petitioner : M/S.G.PRABHAKARAN Advocate

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor

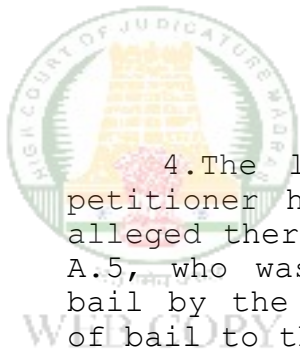
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 25.10.2021 for the offence under Section 8(c) r/w 20(b)(ii)(C) and 25 of NDPS Act in Crime No.99 of 2022 on the file of the Hon'ble II Additional Special Judge - NDPS Act, Chennai, seeks bail.

2.The case of the prosecution is that A.4 and A.5 had purchased the Ganja from Andhra Pradesh weighing 22 kgs and sold to A.1, A.2 & A.3. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel insisted that perusal of the records reveals improbability of the arrest of the fourth accused by the investing officer owing to the distance of the place from which there was a recovery from A.1, A.2 and A.3. There was recovery only from A.1, A.2 & A.3 and there was no recovery from A.4 & A.5. I am not inclined to examine that particular aspect. Under Section 37 of NDPS Act, this Court must examine the probability of recovery and probability of conviction.



4. The learned Additional Public Prosecutor submitted that the petitioner had purchased the Ganja from Andhra Pradesh. It is also alleged there were four previous cases against the petitioner herein. A.5, who was also placed similarly with previous cases was granted bail by the trial Court. Hence, he vehemently opposed for the grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case, when A.5 has been granted bail, there cannot be inconsistency in between two accused persons placed under similar footing, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Thiruvottriyur, 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 Trial Court daily at 10.30a.m, until further orders.

[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/-

01/06/2022

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 II ADDITIONAL SPECIAL
JUDGE, NDPS ACT, CHENNAI.

2 THE JUDICIAL MAGISTRATE,
THIRUVOTTIYUR.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE
M-5, ENNORE POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

+1 CC to M/S.G.PRABHAKARAN Advocate on payment of necessary
charges SR.NO.8273

CRL OP.11965/2022

Date :01/06/2022

TA-01/06/2022