



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K.ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12622 of 2022

ALLA BAKESH

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

[RESPONDENT]

H-1, WASHERMENPET POLICE STATION,
CHENNAI.

CRIME NO.2271/2021.

For Petitioner : M/S.GOPALAKRISHNAN, Advocate for
M/S.K.MOHAN RAJ Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

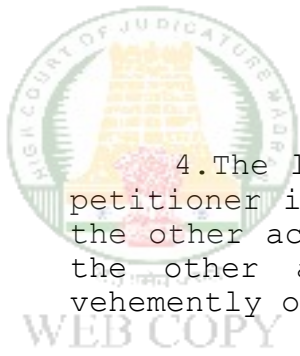
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 18.07.2021 for the offence under Sections 22(c), 8(c), 20(b)(ii) (B), 25, 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No. 2271 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the secrete information, the respondent went to the place of occurrence and they found that the four persons were selling ganja and drugs to public and seized 1.600 kg of ganja and 0.554 grams of Nitrovet-10 (totally 1110) tablets. During the course of enquiry, it revealed that the petitioner also involved in the present crime. Hence, the case was registered against the petitioner and others.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner and no recovery has been made from the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 18.07.2021. Hence, he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that the petitioner is arrayed as fifth accused and the contraband seized from the other accused persons. Based on the confession statement given by the other accused, the petitioner has been arrested. Hence, he vehemently opposed to grant bail to the petitioner.

5.Even according to the case of the prosecution, on the strength of the confession of the first accused, the petitioner has been implicated as an accused. That apart, there is no recovery from the petitioner, since he was not in possession of the contraband. Further the other accused arrested and released on bail. Considering the above facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned I Additional Principal Special Court under EC & NDPS Act, Chennai, 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 daily twice at 10.30 a.m., and 5.30 p.m., until further orders.

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

[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 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/-
06/06/2022

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 I ADDITIONAL PRINCIPAL
SPECIAL COURT UNDER EC & NDPS ACT,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
H-1 WASHERMENPET POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II, CHENNAI.

+1 CC to M/S.K.MOHAN RAJ Advocate on payment of necessary
charges SR.NO.8493

CRL OP.12622/2022

Date :06/06/2022

TA-07/06/2022