



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12831 of 2022

Thangakutty

..Petitioner

Vs.

State represented by
The Inspector of Police,
Ethapur Police Station,
Salem District.
Crime No.178 of 2022

..Respondent

PRAYER:-

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the above said crime No.178 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

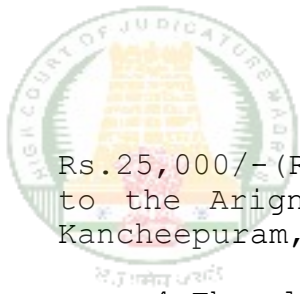
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.04.2022 for the offence under Sections 8 (c) r/w 20 (b) (ii) (B) of NDPS Act, 1985 r/w Section 25 of JJ Act in crime No.178 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, on information received on 01.04.2022, regarding the sale of banned drugs in Pappanayakkanpatti, Forest Department Toll booth, the petitioner was found illegal possession of 2.000Kgs of Ganja and the same was seized by the respondent police. Hence, the case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the present case. On instructions, he would further submit that the petitioner is ready to deposit an amount of



Rs.25,000/- (Rupees Twenty Five Thousand only), by way of Demand Draft to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally four accused in which the petitioner is arrayed as A1 and accused persons were found possession of 2 Kgs of Ganja and it is not a commercial quantity. He further submitted that there is no previous case as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- (Rupees Twenty Five Thousand only), by way of Demand Draft to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, also taking note of the fact that the petitioner is in judicial custody from 01.04.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), by way of Demand Draft to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram and on such deposit 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 Special Court under EC & NDPS Act Cases, 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), by way of Demand Draft to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily morning at 10.30 a.m., and evening at 5.00 p.m. until further orders.

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

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



[f] 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].

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

-sd/-

09/06/2022

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 SPECIAL COURT UNDER
EC & NDPS ACT CASES, SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE INSPECTOR OF POLICE
ETHAPUR POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
ARIGNAR ANNA MEMORIAL CANCER HOSPITAL &
RESEARCH INSTITUTE, KANCHEEPURAM.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO. 8732

CRL OP.12831/2022

Date :09/06/2022

RW-09/06/2022