



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

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

CrI.O.P.No.12975 of 2022

Parthiban

...Petitioner

Vs.

The State represented by its
Inspector of Police,
Uthukottai Police Station,
Thiruvallur District.
Crime No.128 of 2022

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner / 4th accused on bail in connection with crime No.128 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.M.Vivekanandh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.04.2022 for the offences punishable under Sections 8 (c), and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in crime No.128 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that 1st accused was in possession of 15kgs of Ganga. He was arrested and remanded to judicial custody on 06.04.2022. Based on the confession statement given by the 1st accused, other accused persons have been implemented as A2 to A4.

3. The learned counsel appearing for the petitioner submitted that false case has been foisted as against the petitioner and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner was called for enquiry by Mappedu Police Station and from there he was arrested and remanded to judicial custody.



4. According to the case of the prosecution, A1 & A2 purchased contraband from Andhra Pradesh weighing 15 kilograms and intend to sell the contraband to A3 and A4 who are retailers. Admittedly, the petitioner was not found in possession of any contraband at the time of seizing the contraband. The petitioner was implicated only based on the confession statement of the 1st accused. Except the present case, the petitioner has no previous case. Therefore, the petitioner satisfies this Court with regard to the condition as contemplated under Section 37 of NDPS Act.

5. That apart, the petitioner was arrested and remanded to judicial custody on 06.04.2022. Further, on the arrest of the petitioner, his father had passed away and the petitioner was granted interim bail on 01.06.2022. Thereafter, his mother also attempted to commit suicide.

6. In view of the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai 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 learned VIII Metropolitan Magistrate, George Town, 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai 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 at 10.30 a.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/-

10/06/2022

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 VIII METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
UTHUKOTTAI POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CANCER INSTITUTE (WIA)
EAST CANAL BANK ROAD,
ADYAR, CHENNAI.

+1CC to M/S.S.M. VIVEKANANDH Advocate on payment of necessary charges SR.No.8847

CRL OP.12975/2022

Date :10/06/2022

CSK 10/06/2022