



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

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

Crl.O.P.No.13570 of 2022

Suresh

.. Petitioner

Vs.

The State represented by
Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri District.
Crime No.106 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.106 of 2022 pending investigation on the file of the respondent police.

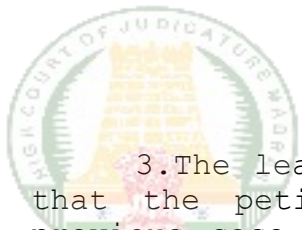
For Petitioner : Mr.S.Sathiyaraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.05.2022 for the offence under Sections 8 (C) and 20 (b) (ii) (B) and Section 25 of NDPS Act, 1985 in crime No.106 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, on 11.05.2022, on secret information received by the respondent, regarding the transportation of 6 Kgs of Ganja and the petitioner was found in possession of 6 Kgs of Ganja and the same was seized by the respondent police near Chinnamattarapalli petrol bunk. 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 no other previous case. It is submitted that though the seized contraband is commercial quantity and also considering the bar under Section 37 of NDPS Act, does not apply to the present case. He also submitted that the petitioner was arrested and remanded to judicial custody on 12.05.2022. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.50,000/-(Rupees Fifty 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 the petitioner was found possession of 6 Kgs of Ganja and it is 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.50,000/-(Rupees Fifty 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 period of incarceration undergone by the petitioner from the date of his arrest on 12.05.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.50,000/-(Rupees Fifty 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 learned Additional District Judge & Presiding Officer, 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.50,000/-(Rupees Fifty 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/-
13/06/2022

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 ADDITIONAL DISTRICT JUDGE
& PRESIDING OFFICER SPECIAL COURT UNDER EC &
NDPS ACT CASES, SALEM.

2 THE INSPECTOR OF POLICE,
KANDHIKUPPAM POLICE STATION,
KRISHNAGIRI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



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

+1 CC to M/S.S.SATHIYARAJ Advocate on payment of necessary
charges SR.NO.8987

CRL OP.13570/2022

Date :13/06/2022

JPA 13/06/2022