



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

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

Cr1.O.P.No.14736 of 2022

Sathish Kumar @ Pallu Sathish

..Petitioner

Vs.

State rep by its
Inspector of Police
H5-New Washermenpet Police Station,
Washermenpet District.

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.327 of 2022 on the file of the Inspector of Police H5-New Washermenpet, Chennai pending investigation or any other order deemed fit.

For Petitioner : Mr.R.Rajan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.05.2022 for the offence punishable under Sections 8 (c) r/w 22 (b) of NDPS Act, 1985 in Crime No.327 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused persons were in possession of 5.55 grams having MDMA Ectacy a psychiatric substance in 10 tablets. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and remanded to judicial custody on 06.05.2022. He would further submit that the petitioner is ready to deposit an amount of Rs.25,000/- to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally 4 accused in which the petitioner is arrayed as A4. Even according to the case of the prosecution, the accused persons were in joint possession of 5.55 grams having MDMA Ecstasy a psychiatric substance in 10 tablets. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, the petitioner and other accused were in joint possession of below the commercial quantity 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 Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and also taking note of the fact that the petitioner is in judicial custody from 06.05.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and on such deposit, the petitioner is ordered to be released on bail on their 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 Principal Special Judge, for E.C and NDPS Act Court, 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.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft to the Adyar 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 stay at Coimbatore and report before The Inspector of Police, Peelamedu Police Station daily Morning at 10.30 a.m and Evening 05.00 p.m for a period of two weeks and thereafter 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/-

27/06/2022

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 PRINCIPAL SPECIAL JUDGE
FOR E.C AND NDPS ACT COURT, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

3 THE INSPECTOR OF POLICE,
H5-NEW WASHERMENPET POLICE STATION,
WASHERMENPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PEELAMEDU POLICE STATION,
COIMBATORE DISTRICT.

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

+1 CC to M/S.R.RAJAN Advocate on payment of necessary charges
SR.NO. 10099

CRL OP.14736/2022

Date :27/06/2022

RW-28/06/2022