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Crl.OP.No.16350 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2022

CORAM

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

Crl.O.P.No.16350 of 2022

Maharaja

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
NIB CID
Chennai
Cr. No.36 of 2021

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioner on bail in NIB CID, Chennai in Crime No. 36
of 2021 pending on the file of the respondent police.

For Petitioner : Mr.T.S.Sasi Kumar

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



Crl.OP.No.16350 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.10.2021 for the offence under Sections 8(c) read with 20(b)(ii)(C), 29(1) of the NDPS Act in crime No.36 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were involved in illegal possession of 21 kgs of Ganja. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Further, on instruction, he would submit that in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.50,000/- to **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**. That apart, the petitioner was arrested and remanded to judicial custody on 12.10.2021. Hence, he prays for grant of bail to the petitioner.



Crl.OP.No.16350 of 2022

4.The learned Additional Public Prosecutor submits that the petitioner along with other accused were involved in illegal possession of 21 kgs of Ganja. Hence, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner ie., from 12.10.2021, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) directly to **Adyar 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 **I Additional Special Judge, 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.



CrI.OP.No.16350 of 2022

WEB COPY

[b] the petitioner shall deposit a sum of Rs.50,000/-(Rupees Fifty Thousand only) directly 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 report before the trial Court viz., I Additional Special Judge, NDPS Act, Chennai twice daily at 10.30 a.m., and 05.30.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.

14.07.2022

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Crl.OP.No.16350 of 2022

To

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1. I Additional Special Judge, NDPS Act, Chennai
2. The Inspector of Police,
NIB CID,
Chennai
3. The Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras.



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CrI.OP.No.16350 of 2022

G.K.ILANTHIRAIYAN, J.

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CrI.O.P.No.16350 of 2022

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