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CrI.OP.No.18881 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM

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

CrI.OP.No.18881 of 2022

S.Prakash

...Petitioner

Vs.

The Inspector of Police,
NIBCID VYASARPADI,
Chennai.
(Crime No.28/2020)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending trial in C.C.No.144/2020 on the file of the Honourable Principal and Special Judge, Special Court for Trial of EC and NDPS Act cases, Chennai in Crime No.28/2020 on the file of Respondent Police, The Inspector of Police, NIBCID Vyasarpadi, Chennai for the alleged offence U/s.8(C), 20(b)(ii)(C)25, 27A & 29(1) of NDPS act.

For Petitioner : Mr.M.Hussaini Basha

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.06.2022 on execution of Non-Bailable Warrant issued by the Principal Special Court under EC and NDPS Act, Chennai for the offence under Sections 8(c), 20(b)(ii)(C), 25, 27A & 29(1) of NDPS Act in C.C.No.144 of 2020 in respect of crime No.28 of 2020 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on 09.06.2020 at 10.00 a.m. near Park at the junction of Kotturpuram NSK statue, A1 to A4 were arrested for having illegal possession of 22 Kgs of Ganja. Based on their confessions A5 to A9 were also arrested for having illegal possession of 11 Kgs of Ganja. Hence, the case.

3. There are totally 9 accused, in which the petitioner is arrayed as A5. The petitioner was originally arrested on 09.06.2020. Thereafter, he was released on bail on 29.10.2020. After completion of investigation, respondent police filed final report on 05.12.2020. However, the petitioner failed to appear before the trial Court on



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18.08.2021 and NBW was issued. Thereafter, he was released on bail.

Again, he was absent before the trial court and as such, NBW was issued on 14.02.2022. In pursuance, he was arrested and remanded to judicial custody on 14.06.2022. Now, the prosecution so far examined 7 witnesses.

4. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e., 14.06.2022, this Court is inclined to grant bail to the petitioner. Accordingly, 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 II Metropolitan Magistrate, Egmore, Chennai - 8** 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 report before the trial Court twice daily at 10.30 a.m. and 5.30 p.m., till the completion of trial.

[c] the petitioner shall not abscond either during investigation



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or trial.

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

[e] 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]**.

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

12.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

1. The II Metropolitan Magistrate, Egmore, Chennai-8.

2. The Inspector of Police,
NIBCID VYASARPADI,
Chennai.

3. Central Prison Puzhal Chennai.

4. The Public Prosecutor,
High Court of Madras

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