



Crl.OP.No.20340 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2022

CORAM

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

Crl.OP.No.20340 of 2022

Gekonge Daniel

..Petitioner

Vs.

The State rep by its  
The Inspector of Police,  
Ammamet Police Station,  
Salem District.  
Crime No.702/2021

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.  
praying to enlarge the petitioner on bail in pending investigation in  
Crime No.702/2022 on the file of the respondent.

For Petitioner : Mr.J.Thomas Saran Singh

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



CrI.OP.No.20340 of 2022

WEB COPY

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 18.12.2021 for the offence under Sections 8(c) read with 20(b)(ii)(B) of NDPS Act and 14 of Foreigners Act in crime No.702 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the basis of the secret information, the respondent police intercepted the petitioner and other accused. At that time the petitioner was found in possession of 1.050 Kgs of ganja and also found that the time period of Visa got expired. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 18.12.2021. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the



CrI.OP.No.20340 of 2022

respondent would submit that petitioner along with other accused person were in conscious possession of contraband. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e.,18.12.2021, this Court is inclined to grant bail to the petitioner. Accordingly, the **petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148**, 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 local sureties, one among the sureties shall be a Government surety**, each for a like sum to the satisfaction of the **the Special Court for EC/NDPS act Cases, Salem** and on further conditions that :-



CrI.OP.No.20340 of 2022

WEB COPY

[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) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148 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 twice daily at 10.30 a.m. and 5.30 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



CrI.OP.No.20340 of 2022

registered under Section 229A IPC.

26.08.2022

mpl



WEB COPY



CrI.OP.No.20340 of 2022

**G.K.ILANTHIRAIYAN, J.**

mpl

To

- 1.The Special Court for EC/NDPS act Cases, Salem.
- 2.The Inspector of Police,  
Ammamet Police Station,  
Salem District.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,  
High Court of Madras.

CrI.O.P.No.20340 of 2022

26.08.2022