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Crl.OP.No.21423 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21423 of 2022

Mukilan

...Petitioner

Vs.

State by the Inspector of Police,
N.4. Fishing harbour Police Station,
Chennai - 600021.
(Crime No.99 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge him on bail pending investigation in Crime No.99 of 2022 on the file of the Inspector of Police, N.4. Fishing Harbour Police Station, Chennai. 600021.

For Petitioner : Mr.J.Ramesh

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.06.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(B), 22(c), 25 and 29(1) of the Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.99 of 2022 on the file of the



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respondent police, seeks bail.

2. On perusal of FIR, it is revealed that there are totally 4 accused in this case and the petitioner is arrayed as 2nd accused. The petitioner was found in possession of 20 Nos. of LSD Stamps and the co-accused A1 was found in possession of 2 kg of ganja.

3.The learned counsel appearing for the petitioner would submit that false case has been foisted against the petitioner. He would further submit that the co-accused, who was similarly placed was granted bail by this Court in Crl.O.P.No.19179 of 2022. He would further submit that without prejudice, petitioner prepared to deposit a sum of Rs.25,000/- to the Government for any welfare purpose and he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent filed his detailed counter. He would further submit that there are no previous cases pending as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned counsels. Perused the counter filed by the learned Government Advocate (CrI.side) appearing for the respondent. Considering the facts and circumstances of the case and without prejudice, petitioner is undertaking to deposit a sum of Rs.25,000/- to the Government for any welfare purpose, i am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) as non refundable deposit to **“Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172”**, 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 sureties**, each for a like sum to the satisfaction of **learned Principal Special Judge for NDPS Court, Chennai** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb



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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] petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to “Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172” and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall stay at Hosur and report before Hosur Town Police Station twice daily at 10.30.a.m., and 04.30.p.m., for a period of four weeks and thereafter report before the respondent police twice daily at 10.30 a.m., and 04.30.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



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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.

09.09.2022

mpl



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A.D.JAGADISH CHANDIRA, J.

mpl

To

- 1.The Special Judge for NDPS Court,
Chennai.
- 2.The Inspector of Police,
N.4. Fishing harbour Police Station,
Chennai - 600021.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras

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