



Crl.OP.No.21780 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

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

Crl.OP.No.21780 of 2022

Dickson

... Petitioner

Vs.

The Inspector of Police,
P1 Puliyanthopee Police Station,
Chennai.
(Crime No.148 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in C.C.No.143 of 2019 on the file of
Principal Special Court under EC & NDPS Act, Chennai in Crime No.148 of
2019 pending on the file of the respondent police.

For Petitioner : Mr.N.Ganesh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.07.2022 for the offences punishable under Sections 8(c), r/w 20(b)(ii)(B) r/w 29 of NDPS Act, in C.C.No.143 of 2019 on the file of Principal Special Court under EC & NDPS Act, Chennai in Crime No.148 of 2019, pursuant to the non bailable warrant issued against him, seeks bail.

2. Learned counsel for the petitioner would submit that the petitioner is an accused, facing trial in C.C.No.143 of 2019 pending on the file of Principal Special Court under EC & NDPS Act, Chennai. He would submit that due to illness, the petitioner was unable to appear before the Trial Court on 04.08.2021 and the Trial Court had issued non bailable warrant against the petitioner. Due to prolonged illness, the petitioner was unable to appear before the Trial Court and on 06.07.2022, when the petitioner had gone to the Court to recall the warrant, the respondent police had arrested the petitioner at the Court Complex and produced before the Court. He would further submit the petitioner is now ready to cooperate with the respondent for speedy disposal of the case. Hence, he seeks to enlarge the petitioner on bail.



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3. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that it is the case of year 2019, the petitioner had failed to appear before the Trial Court on 04.08.2021 and when the trial is about to commence, he has been arrested and produced before the Court. Hence, he vehemently opposed to grant bail to the petitioner.

4. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and that the period of incarceration suffered by the petitioner from 06.07.2022, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Principal Special Court under EC & 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;

[b] the petitioner shall report before the



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**Principal Special Court under EC & NDPS Act,
Chennai, on all working days at 10.30 a.m., until
further orders;**

[c] the petitioner shall not abscond either during
investigation 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 abscond, a fresh FIR
can be registered under Section 229A IPC.

shk

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To

1. The Principal Special Court under EC & NDPS Act, Chennai,
2. The Inspector of Police,
P1 Puliyanthopee Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

shk

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