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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24949 of 2021

Buminathan

... Petitioner

Vs.

State Rep. by
THE INSPECTOR OF POLICE,
D4, PADALAM POLICE STATION,
CHENGALPATTU DISTRICT.
(Crime No.534 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.534 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.J.Rameshkumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 28.08.2021 for the offences under Sections 8(c), 20 (b)(ii) (c) & 25 of NDPS Act 1985 in Crime No.534 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police were in routine patrol duty they found that the petitioner along with other accused were in illegal possession of 61.400 kgs of kanja. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner was suffering incarceration for more than five months from 29.08.2021. He further submitted that based on the confession statement of the other accused the petitioner has been falsely implicated in this case. Hence, he seeks to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would raise objection stating that the petitioner was in illegal possession of 61.400 kgs of kanja and he is not having any previous case. He further submitted that the investigation was almost completed.

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5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also the fact that the petitioner has impleaded in this case based on the confession statement of the co-accused and the co-accused released on bail in Crl.O.P.No.22244 of 2021, this Court is inclined to grant bail to the petitioner with conditions.

[a] the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

[b] the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.I, Chengalpattu, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

[c] 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;

[d] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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]; and;



[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

01/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
D4, PADALAM POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, CHENGALPATTU

CC to M/S.J.RAMESHKUMAR Advocate on payment of necessary
charges Sr.1545

CRL OP.24949/2021

Date :01/02/2022

RVR 03/02/2022