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Crl.OP.No.25176 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

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

Crl.OP.No.25176 of 2022

Sharat Malik

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Ambur Police Station,
Thirupathur.
(Crime No.200 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.200 of 2022 on the file of the respondent police.

For Petitioner : Mr.T.Balaji

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



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Crl.OP.No.25176 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.08.2022 for the offences punishable under Sections 8(c) r/w 20(b) (ii) (B) of NDPS Act in Crime No.200 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that on the specific information received by the informant on 08.08.2022, the respondent had intercepted the petitioner. On search, the petitioner along with the other accused was found to be in possession of 8 Kg of Ganja.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would submit that the petitioner is aged about 20 years and that he is in custody from 08.08.2022. The petitioner is the resident of Odisha and he came to Chennai for job. Since there was a miscommunication of language, he has been falsely implicated in this case. He would submit that the contraband has been recovered from A1 alone. Therefore, he prays for grant of bail to the petitioner.



Crl.OP.No.25176 of 2022

WEB COPY

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner was found to be in possession of 8 Kgs of Ganja. He would further submit that the petitioner did not have any local resident proof and if bail is granted to the petitioner, there is every possibility of the petitioner to be absconded. Hence, he vehemently opposed to grant bail to the petitioner.

5. In reply, learned counsel for the petitioner would submit that the petitioner is in custody for nearing 60 days and the petitioner is prepared to furnish one local surety and one blood surety. The petitioner is also ready to furnish his proof of permanent resident in Odisha.

6. Heard both the learned counsel and perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner.



Crl.OP.No.25176 of 2022

8. 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**, in which, one surety should be a local surety and one surety should be a blood surety, each for a like sum to the satisfaction of the **learned Special Judge for EC/NDPS Act Cases, Salem** 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 furnish his proof of permanent resident in Odisha at the time of furnishing sureties.

[c] the petitioner shall report before the respondent Police daily at 10.30 a.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



Crl.OP.No.25176 of 2022

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 abscond, a fresh FIR can be registered under Section 229A IPC.

02.11.2022

shk

To

1. The learned Special Judge for EC/NDPS Act Cases,
Salem.
2. The Inspector of Police,
Ambur Police Station,
Thirupathur.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.25176 of 2022

A.D.JAGADISH CHANDIRA,J.

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Crl.O.P.No.25176 of 2022

02.11.2022