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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

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

CrI.O.P.No.26072 of 2021

Arun Kumar @ Arun @ Mukka Ajith

...Petitioner

Vs.

State Rep. by
Inspector of Police,
J11 Kannagi Nagar Police Station,
Chennai
(Cr.No. 1205 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.1205 of 2021 on the file of the respondent police.

For petitioner : Mr.J.Samiullah

For Respondent : Mr.N.S.Suganthan
Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.11.2021 for the offences under Sections 8(c) r/w 20(b)(ii)(B) NDPS Act, in Crime No.1205 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.11.2021 at about 13.00 hrs, on secret information the respondent police officials went to kannagi nagar Cemetery and that they found the petitioner and other accused carrying Orange Colour polythene bag in possession of Ganja weighing to 1Kg 700 grams. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence and the petitioner has been falsely implicated in this case and that co-accused has been released on bail in CrI.M.P.No. 3703 of 2021 dated 16.12.2021. He would further submit that the petitioner has been suffering incarceration from 13.11.2021. Hence, he would pray for grant of bail to the petitioner.



4.The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner has got 3 previous cases and that one case is like same nature and other two cases are related to damages of Public property. He would further submit that already the bail application has been dismissed in Crl.M.P.No. 3703 of 2021 dated 16.12.2021 taken on file before the Principal Special Judge for NDPS & EC Act, Chennai, but admits that co-accused released on bail.

5. Considering the fact that co-accused has been released on bail and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, 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 have 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-II, Alandur, 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
11/01/2022

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- II,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
J11, KANNAGI NAGAR POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S J.SAMIULLAH Advocate on payment of necessary charges SR.NO.505

CRL OP.26072/2021

Date :11/01/2022

INBA-12/01/2022