



Crl.O.P.No.3947 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

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

Crl.O.P.No.3947 of 2023

Kishansaran

... Petitioner

Vs.

State represented by,
The Inspector of Police,
T-3. Korattur Police Station,
Chennai.
(Crime No.1166 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 C.C.No.122 of 2022 on file of the learned Principal Special Court under EC and NDPS Act, Chennai.

For Petitioner : Mr.G.Ashokkumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner who was arrested and remanded to judicial custody on 14.12.2021 for the offences punishable under Sections 8(c) read with 22(c), 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Cr.No.1166 of 2021 on file of the respondent police, seek bail.

2. The case of the prosecution is that based on the secret information the respondent police went to the place of occurrence, and there the petitioner was found in illegal possession of LSD - 0.078 grams and OG Cannabinois -0.298 grams. Hence, the case.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and based on the confession statement recorded from A1 and A2, the petitioner had been falsely implicated in this case. He would further submit that he prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that in an earlier occasion, the bail petitions filed by the petitioner were dismissed by this Court. He submitted that now the charge sheet has been filed in C.C.No.122 of 2022 and the petitioner is in the judicial custody for the past 425 days. He further submitted that the contraband involved in this case is in between quantity and there is no previous case as against the petitioner. He also submitted that if he is released on bail at this stage, there is possibility of tampering the witnesses and hampering the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the investigation is almost completed and also the fact that there is no previous case against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which, one must be a blood related surety, each for a like sum to the satisfaction of **learned Principal Special Court under EC and 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 respondent police station on every Sunday at 10.30 a.m., until further order.**

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

(d) the petitioner shall not abscond 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



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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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

21.02.2023

gbi

To

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



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T.V.THAMILSELVI,J.

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