



WEB COPY



Crl.R.C.No.485 of 2023

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated : 15/3/2023

C O R A M

THE HONOURABLE Mr.JUSTICE V.SIVAGNANAM

Crl.R.C.No.485 of 2023

Sathish @ Manga Sathish ... Petitioner

Vs

State
rep. By The Inspector of Police
H 5 New Washermenpet Police Station
Chennai ... Respondent

Prayer: Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure to set aside the order, dated 28/2/2023, passed in Crl.M.P.No.1074 of 2023 by the learned Principal Special Judge, under NDPS Act, Chennai and enlarge the petitioner on statutory bail in Crime No.532 of 2022 on the file of the respondent Police.

For Petitioner ... Mr.N.Nishar Ahamed

For Respondent ... Mr.R.Vinoth Raja
Government Advocate
(Criminal Side)

- - - - -



Crl.R.C.No.485 of 2023

ORDER

WEB COPY

This Criminal Revision Case has been filed to set aside the order, dated 28/2/2023, passed in Crl.M.P.No.1074 of 2023, by the learned Principal Special Judge, under NDPS Act, Chennai and enlarge the petitioner on statutory bail.

2. Brief facts which are necessary for the disposal of this case are as follows:-

The petitioner/accused was arrested along with two others for having illegal possession of 16 LSD Stamps and was remanded to judicial custody on 20/8/2022 for the alleged offence punishable, under Section 8 (c) r/w. 22 (C) of the NDPS Act. The contraband was seized by the respondent Police and the same was produced before this Court in A.No.691 of 2023.

3. On 16/2/2023, a petition has been filed by the petitioner, under Section 167 (2) of the Code of Criminal Procedure, seeking mandatory bail, on the ground that the respondent Police has not completed the investigation and charge sheet was also not filed within the statutory



Crl.R.C.No.485 of 2023

period. Prior to that on 13/2/2023, prosecution had filed a petition under Section 36 A (4) of the NDPS Act and the learned Principal Special Judge, EC & NDPS Court, Chennai has considered the application, whereas, dismissed the application filed to enlarge the petitioner on statutory bail.

4. Being aggrieved, the petitioner has come before this Court praying for the relief as stated therein.

5. Heard Mr.N.Nishar Ahamed, learned counsel for the petitioner and Mr.R.Vinothraja, learned Government Advocate (Criminal Side) for the respondent.

6. Learned counsel appearing for the petitioner submitted that the prosecution had sought for extension of statutory period of investigation for the reason that the main source of supply of contraband to be arrested and the learned Principal Special Judge, under NDPS Act, allowed the petition filed in Crl.M.P.No.980 of 2023, but dismissed the petition filed by A.1 in Crl.M.P.No.1074 of 2023.



Crl.R.C.No.485 of 2023

7. Learned Government Advocate (Criminal Side) submitted that they sought extension of time for further investigation only to collect some crucial documents.

8. I have perused the materials available on record.

9. On a perusal of the records, the fact reveals that the respondent police registered a case against this petitioner along with others in Crime No.532 of 2022 for the offences punishable under Sections 8 (c) r/w. 22 (C) of the Narcotic Drugs & Psychotropic Substances Act, 1985. Admittedly, the petitioner was arrested and remanded to judicial custody on 20/8/2022. Within a period of 180 days, the respondent Police ought to have filed the final report. Therefore, the petitioner/A1 filed a statutory bail petition and the same was dismissed by the trial Court on 28/2/2023, on the ground that the respondent police filed a petition in Crl.M.P.No.980 of 2023 for extension of time for filing a final report is pending, which is unsustainable, in view of the principle laid down by the Hon'ble Supreme Court in ***M.RAVINDRAN Vs. THE INTELLIGENCE OFFICER, DIRECTOR OF REVENUE INTELLIGENCE (Crl.Appeal No.699 of 2020)***



Crl.R.C.No.485 of 2023

WEB COPY

10. The fact remains that the respondent Police has not filed final report, within the statutory period. Hence, the petitioner is entitled for statutory bail.

11. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 28/2/2023, passed in Crl.M.P.No.1074 of 2023 by the learned Principal Special Judge under EC & NDPS Act, Chennai, is set aside and Statutory Bail is granted to the petitioner and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, before the XV Metropolitan Magistrate Court, George Town, Chennai on the following conditions:-

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



Crl.R.C.No.485 of 2023

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

(c) the petitioner to appear before the respondent Police on the first working day of every month.

(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 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.

15/3/2023

Index :yes/no
Neutral Citation: Yes/No

mvs.



WEB COPY



Crl.R.C.No.485 of 2023

To

1. The Principal Special Judge, under NDPS Act, Chennai
2. The Inspector of Police
H 5 New Washermenpet Police Station
Chennai
3. XV Metropolitan Magistrate Court, George Town, Chennai
4. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.R.C.No.485 of 2023

V. SIVAGNANAM, J

mvs.

Crl.R.C.No.485 of 2023

15/3/2023