



Crl.O.P.No.5787 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

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

Crl.O.P.No.5787 of 2023

Bijay Sardar

... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
Katpadi Police Station,
GRP Chennai District.

(Crime No.142 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with the Crime
No.142 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.V.Karthikeyan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.12.2022 for the offences under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.142 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, based on secret information, the respondent police went to scene of occurrence and the petitioner was found in illegal possession of 8 kgs of Ganja. Hence, the case.

3. Learned Counsel for the petitioner submitted that the petitioner, who is the native of West Bengal, is an innocent person and he has been falsely implicated in this case. He further submitted that the contraband involved in this case is in-between quantity. He also submitted that the petitioner is in judicial custody from 15.12.2022 and hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner was found in unlawful



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possession of 8 kgs of Ganja, while he was travelling in the train. He further submitted that there is no previous case pending against the petitioner. He also submitted that since the petitioner being the resident of West Bengal, if the bail granted to the petitioner, there is every possibility of him to abscond which would derail the progress of trial. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner is ready to furnish blood sureties and also ready to file a proof of his permanent residence in West Bengal. Hence, he prays for grant of bail.

6. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, (out of which one surety should be a blood related surety and should produce document to show his/her means) each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, 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 report before the respondent Police, daily at 6.30 p.m., until further orders ;

[c] the petitioner shall satisfy the learned trial Judge with regard to his permanent residence;

[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 appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the



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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.

15.03.2023

vk

To

- 1.The Judicial Magistrate No.II,
Salem.
- 2.The Sub Inspector of Police,
Katpadi Police Station,
GRP Chennai District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

vkr

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