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Crl.O.P.No.11338 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11338 of 2023

Aravinthan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
NIB-CID,
Chennai.
(Crime No.62 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending in Principal Special Judge for
NDPS and EC Act in C.C.No.198 of 2019 on the file of the Principal Special
Court for NDPS and EC Act, Chennai.

For Petitioner : Mr.C.Jagan

For Respondent : Mr.N.Muthuvel
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 06.03.2023, pursuant to the non-bailable warrant of arrest issued against



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him in C.C.No.198 of 2019, pending on the file of the Principal Special Court for NDPS & EC Act, Chennai, seeks bail.

2.Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in C.C.No.198 of 2019 for the alleged offence under Sections 8(c) and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, pending on the file of the learned Principal Special Court for NDPS & EC Act, Chennai. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates. While so, due to his illness, he was unable to appear before the trial Court on 29.09.2021, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to which, he was arrested on 06.03.2023.

3.Learned counsel for the petitioner further submitted that the petitioner is prepared to furnish adequate sureties and also prepared to abide by any stringent conditions that may be imposed by this Court and he is also ready to file an Affidavit of Undertaking stating that he will co-operate for speedy disposal of the trial and he would ensure that he will appear before



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the trial Court on all hearing dates without fail. Therefore, he prays for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused facing trial in C.C.No.198 of 2019, pending on the file of the Principal Special Court for NDPS & EC Act, Chennai, has failed to appear before the trial Court on 29.09.2021, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 06.03.2023. Hence, he opposed to grant bail to the petitioner.

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

6.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the



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period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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**, each for a like sum to the satisfaction of the Principal Special Court for NDPS and EC 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 appear before the learned trial Judge, on all working days at 10.30 a.m., until further orders;

[c] the petitioner, after coming out on bail, shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the trial;

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence or witness during trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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.

17.05.2023

vum/vga

To

- 1.The Principal Special Court for NDPS and Act, Chennai.
2. The Inspector of Police,
NIB-CID,
Chennai.
3. The Central Prison,
Puzhal 2, Chennai.
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN, J.



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