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Crl.O.P.No.11623 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11623 of 2023

Ajithkumar @ Ajith

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
M-8, Sathangadu Police Station,
Chennai.
(Crime No.576 of 2016)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending in Special Judge -I
Additional Special Court for Exclusive Trial of Cases under NDPS Act,
Chennai in C.C.No.114 of 2019 in connection with Cr.No.576 of 2016 on the
file of the respondent police.

For Petitioner : Mr.B.M.Santharam

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.03.2023, pursuant to the non-bailable warrant of arrest issued against him in C.C.No.114 of 2019, pending on the file of the Special Judge -I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in C.C.No.114 of 2019 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, pending on the file of the Special Judge -I, Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai. He further submitted that due to jaundice, the petitioner was unable to appear before the trial Court on 07.09.2019 and subsequently, Covid-19 Pandemic lock down was declared. Hence, the petitioner was unable to contact his counsel. Thereafter, the Trial Court has issued a Non-Bailable Warrant of arrest against him and pursuant to which, he was arrested on 29.03.2023.

3. Learned counsel for the petitioner further submitted that the



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

4.Learned Government Advocate (CrI.Side) appearing for the respondent has submitted that since the petitioner, who is an accused facing trial in C.C.No.114 of 2019, pending on the file of the Special Judge -I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, failed to appear before the trial Court on 07.09.2019, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 29.03.2023. Hence, he opposed to grant bail to the petitioner.

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



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6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the 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.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the Special Judge-I Additional Special Court for Exclusive Trial of Cases under 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 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,



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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 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.

18.05.2023

gv



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A.A.NAKKIRAN, J.

gv

To

- 1.The Special Judge -I Additional Special Court
for Exclusive Trial of Cases under NDPS Act, Chennai,
2. The Inspector of Police,
M-8, Sathangadu Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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