



Crl.O.P.No.12465 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

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

Crl.O.P.No.12465 of 2023

Ramalingam

... Petitioner

Vs.

State Rep by
Inspector of Police
Ethappur Police Station,
Salem.
Crime No.212 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.212 of 2020 on the file
of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)



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Crl.O.P.No.12465 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on **27.12.2022** for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(B) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.212 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.04.2020, three persons were found preparing Ganja Packets and on seeing the police, they attempted to escape. However, the respondent police caught hold of A1 and A2 red handedly and recovered 1200 grams of Ganja. But the 3rd accused escaped from the place of occurrence. On enquiry, it was found that the petitioner is the person who had escaped from the spot and who had sold Ganja to A1 and A2. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Even as per the prosecution, the alleged contraband has been seized only from A1 and A2 and no recovery has been made from the petitioner and



that the petitioner was not at all present in the scene of occurrence. He further submitted that the petitioner has been in suffering incarceration for about 6 months from 27.12.2022. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that the petitioner along with other accused was found in possession of 1200 grams of Ganja. He further submitted that the petitioner is a habitual offender against whom there are 17 previous cases out of which, in few cases, he has been acquitted.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

8. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand Only) by way of **RTGS/NEFT to the credit of "The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College and Hospital, Salem"** without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 **learned Special Judge for EC/NDPS Act Cases, 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 everyday at 10.30 a.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial;



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CrI.O.P.No.12465 of 2023

[d] the petitioner shall not tamper with evidence or witness 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 petitioners 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

09.06.2023

ksa-2

To

1. Special Judge for EC/NDPS Act Cases, Salem
2. Inspector of Police
Ethappur Police Station,
Salem.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.12465 of 2023

A.D.JAGADISH CHANDIRA,J.,

ksa-2

Crl.O.P.No.12465 of 2023

09.06.2023