



Crl.OP.No.15860 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.15860 of 2023

Daniel Jacob

Petitioner/Accused No.3

Vs

State rep by Inspector of Police,
T-3, Korattur Police Station,
Chennai.

(Crime No.1166 of 2021)

Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.1166 of 2021 on the file of the respondent.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to Judicial
custody on 11.12.2021 for the alleged offence punishable under Sections



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8(c), 22(c) and 29(1) of NDPS Act 1985, in Crime No.1166 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.12.2021, based on the secret information, when the respondent searched the place of the accused, they were found in possession of 23 number of LSD Stamp weighing 0.362 grams, without any valid license and subsequently seized the same. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence. Based on the confession statement of A2, the petitioner has been implicated in this case. He further submitted that the co-accused was released on bail. On instructions, he would further submit that the petitioner is ready to donate an amount of Rs.50,000/- to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; Ph No.8939065431, and prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor submitted that there are totally seven accused in this case in which, the petitioner is arrayed as A3 and the petitioner, along with other accused, was found in possession of 23 numbers of LSD Stamps weighing 0.362 grams. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that there are totally seven accused involved in this case, in which the petitioner is arrayed as A3. Even according to the prosecution that A2 and the petitioner were in possession of LST stamps weighing 0.362 grams. The co-accused was arrested and released on bail, only on the confession statement of the petitioner. However, A2 has been released on bail only on the ground that the trial has not yet commenced. The crime is of the year 2021 and the petitioner was arrested and remanded to the judicial custody from 11.12.2021. Though the charge sheet has been filed and the same has been taken cognizance in C.C.No.122 of 2022 on the file of the Principal Sessions Judge, EC & NDPS Act, Chennai, even today, the trial has not yet commenced. Considering the above facts and circumstances, this Court is of the view



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that the petitioner has made out a prima-facie case in order to satisfy the twin conditions as contemplated under Section 37 of NDPS Act.

6. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to donate an amount of Rs.50,000/- to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; Ph No.8939065431, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall donate a sum of Rs.50,000/-(Rupees Fifty Thousand only), to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; Ph No.8939065431 and on such donation, 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 blood related sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, EC & NDPS Act, Chennai, and on further conditions that :-



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[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 donate a sum of Rs.50,000/-(Rupees Fifty Thousand only), to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; Ph No.8939065431, and that the receipt of such donation shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the Principal Sessions Judge, EC & NDPS Act, Chennai, daily at 10.30 a.m. and 05.30 p.m. until further orders ;

[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 petitioner released on bail by the learned Magistrate/Trial



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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 absconds, a fresh FIR can
be registered under Section 229A IPC.

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To

- 1.The Principal Sessions Judge, EC & NDPS Act, Chennai.
- 2.The Inspector of Police,
T-3, Korattur Police Station,
Chennai.
- 3.Central Prison,
Puzhal, Chennai
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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