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Crl.OP.No.18436 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

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

Crl.OP.No.18436 of 2023

Ajit Kumar

..Petitioner

Vs.

The State by the Inspector of Police,
NIB-CID, Police,
District-Chennai.
(Crime No.17 of 2022)

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. pleaded to enlarge the petitioner on bail in C.C.No.408 of 2022 on the file of the Principal Special Judge for EC and NDPS Cases at Chennai 600104.

For Petitioner : Mr.J.Ramesh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.05.2022 for the alleged offences under Sections 8(c), 22(c), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, pending trial in C.C.No.408 of 2022 on the file of Principal Special Judge for EC and NDPS



Crl.OP.No.18436 of 2023

cases at Chennai in Crime No.17 of 2022, on the file of the respondent police, seeks bail.

2. The case of prosecution is that based on the secret information, the respondent Police and their team went to the scene of occurrence and found that the petitioner was in possession of 1 Kg of Methamphetamine. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. There are totally two accused, in which the petitioner is arrayed as A2. As per the confession statement of the co-accused, the petitioner has been falsely implicated in this case. He further submitted that this is the third bail petition filed by the petitioner and he is ready to abide by any stringent conditions as imposed by this Court. He also submitted that the co-accused/A1 was granted bail by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that there are totally two accused, in which the petitioner is arrayed as A2. The



Crl.OP.No.18436 of 2023

petitioner was found in possession of 1 Kg of Methamphetamine. The contraband seized from this petitioner is a commercial quantity. He would submit that now the investigation has been completed and the case is at the stage of trial. He would also submit that if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he vehemently opposed grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner is in judicial custody from 09.05.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which **one surety must be a blood surety** for a like sum to the satisfaction of the **learned Principal Special Judge for EC and NDPS Cases, 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 report before the respondent police on every Tuesday and Sunday at 10.30 a.m. until completion of trial



Crl.OP.No.18436 of 2023

proceedings and he shall also appear before the Trial Court for every hearing without fail;

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

[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 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].

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

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To

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



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Crl.OP.No.18436 of 2023

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.18436 of 2023

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