



Crl.O.P.No.21333 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM
THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

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Hemachandran @ Chandru

...Petitioner

Vs.

The State Rep by
Inspector of Police,
H-1, Otteri Police Station,
Chengalpattu District.
Cr.No.590 of 2021.

...Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in C.C.No.499 of 2022 on the file of learned Principal Special Judge (EC & NDPS Act), Chennai.

For Petitioner : Mr.D.Magesh

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.05.2023, for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act, in Crime No.590 of 2021 on the file of the



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respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Crime No.590 of 2021 for the offences under Sections 8(c), 20(b)(ii)(B) of NDPS Act. Since, petitioner was not able to appear before the trial Court on 10.05.2023, NBW was issued against him on 10.05.2023. NBW was executed on 31.05.2023. Since then he is in judicial custody. He further submitted that petitioner would be regular hereafter in attending Court hearings. Thus, he prays for grant of bail.

3.In response, the learned Additional Public Prosecutor submitted that due to the absence of petitioner, there is a delay in disposal of the case.

4.Considered the rival submissions and perused the records.

5.Considering the submission of learned counsel for petitioner that petitioner would be regular hereafter in attending Court hearings, that he is in judicial custody from 31.05.2023, this Court is inclined to grant bail



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to the petitioner with conditions.

6. 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 **learned Principal Special Judge (EC & 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 without prejudice to his defence shall deposit a non-refundable sum of **Rs.10,000/-**, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009. Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the



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petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the respondent Police daily at 10.00.a.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 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 Special Judge (EC & NDPS Act),
Chennai.
- 2.The Inspector of Police,
H-1, Otteri Police Station,
Chengalpattu District.
- 3.Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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