



WEB COPY



CrI.OP.No.23622 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.23622 of 2023

Siva S/o. Kumar

...Petitioner

Vs.

State by
The Inspector of Police,
NIBCID-Salem,
Salem District.
(Crime No.28 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner/Accused 2 on bail concerned in Crime No.28 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI. Side)

ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 12.06.2023 for the offences punishable under Sections 8(c)



Crl.OP.No.23622 of 2023

r/w 20(b)(ii)(B), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.28 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the petitioner along with other accused were found in possession of 6 Kgs of Ganja.

3.It is stated that the 1st accused had been granted bail. It is also stated that charge sheet had also been filed in C.C.No.214 of 2023 before the Special Court under EC & NDPS Act Cases, Salem.

4.Taking into consideration the fact that other accused had been granted bail, this Court is inclined to grant bail to the petitioner with certain conditions;

5.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 for a like sum to the satisfaction of the Special Court under EC & NDPS Act Cases, Salem, and on further conditions that:



Crl.OP.No.23622 of 2023

[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 Special Court under EC & NDPS Act Cases, Salem, on all working days at 10.30 a.m., till completion of trial.

[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.

13.10.2023

ata



WEB COPY



Crl.OP.No.23622 of 2023

C.V.KARTHIKEYAN. J.

ata

To

1.The Special Court under EC & NDPS Act Cases, Salem.

2.Central Prison, Salem.

3.The Inspector of Police,
NIBCID-Salem,
Salem District.

4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.23622 of 2023

13.10.2023