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CrI.O.P.No.26226 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM

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

CrI.OP.No.26226 of 2023

Babu Naidu @ Petla Applla Naidu

...Petitioner

Vs.

State rep by,
The Inspector of Police,
Ulundurpet PEW Police Station,
Kallakurichi District.
(Crime No.21 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.21 of 2023 on the file of the respondent police.

For Petitioner : Mr.S.Sridhar
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal side)

ORDER

The petitioner is the 1st accused in the charge sheet, which had been subsequently presented after investigation in Crime No.21 of 2023 registered by the respondent police for the offences punishable under



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Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, subsequently altered to Sections 8(c) r/w 20(b)(ii)(C) and 29 (1) NDPS Act, and he had been arrested and remanded to judicial custody on 15.02.2023.

2. It is the case of the prosecution that the petitioner was found in possession of 10 Kgs of ganja.

3. The learned counsel for the petitioner stated that the other accused had been granted bail but however, on the side of the respondent, it is stated that the petitioner who belongs to Andhra Pradesh is the main supplier of ganja and from him, the 2nd accused had purchased 10 Kgs of ganja and thereafter, re-distributed the same to A3 and A4.

4. This is the second bail application. Previous bail application of the petitioner herein had been dismissed on 09.10.2023 in CrI.O.P.No.23119 of 2023. The charge sheet had been filed and the matter is listed before the Trial Court on 20.12.2023 for framing of charges. That is the significant change in circumstances. It is however insisted by the respondent that the petitioner is a native of Andhra Pradesh.



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5. Taking all the factors into consideration and the period of incarceration suffered by the petitioner herein, I am inclined to grant bail to the petitioner subject to the following 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 (**out of which, one must be a blood surety and the other surety should be a local surety**), each for a like sum to the satisfaction of the **learned Special Court for Trial of Cases under NDPS Act, Villupuram** 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 Trial Court everyday, quite apart from the Court hearing dates until further orders.

[c] the petitioner shall not abscond either



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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.

08.12.2023

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To

1. The Special Court for Trial of Cases under NDPS Act, Villupuram.
2. The Inspector of Police,
Ulundurpet PEW Police Station,
Kallakurichi District.
(Crime No.21 of 2023)
3. Central Prison, Cuddalore.



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4.The Public Prosecutor, Madras High Court.

C.V.KARTHIKEYAN, J.

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