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Crl.O.P.No.27588 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

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

Crl.OP.No.27588 of 2023

Sethupathi @ Sethu

...Petitioner

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
E-5, Sholavaram Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.337 of 2023 on the file of the respondent police.

For Petitioner : Mr.M.Illiyas

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

ORDER

The petitioner seeks bail in Crime No.337 of 2023, registered by the respondent police for the offences punishable under Sections 8 (c) r/w 20 (b) (ii) (B) of Narcotic Drugs Psychotropic and Substances Act, 1985. The petitioner had been taken into custody on 07.05.2023 with possession of 2.500 Kgs of ganja, which is an intermediate quantity. The petitioner is the only accused.



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2.The learned counsel for the petitioner stated that the petitioner is innocent of the offence. Thus, he prayed for grant of bail to the petitioner.

3.On the side of the respondent, it is pointed out that there are 23 previous cases against the petitioner herein, including 2 cases under NDPS Act and out of the other IPC cases, there are also 2 cases under 302 IPC. Taking into consideration of those facts, the learned Principal Special Judge, Chennai, had dismissed the application seeking bail.

4.Now there is a significant change in circumstances, namely, charge sheet had been filed and the matter is now posted on 15.12.2023 for framing of charges. Taking that particular fact into consideration, this Court is inclined to grant bail to the petitioner subject to the following 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 **Judicial Magistrate – 1, Ponneri**, 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 report before the Principal Special Court under EC & NDPS Act, Chennai, everyday at 10.00 a.m. till the completion of the trial apart from the Court hearing dates.

[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 Judicial Magistrate – 1, Ponneri.
2. The Principal Special Court under EC & NDPS Act,
Chennai.
- 3.The Inspector of Police,
E-5, Sholavaram Police Station,
Chennai.
- 4.Central Prison, Puzhal.
- 4.The Public Prosecutor, Madras High Court.

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