



CrI.OP.No.3105 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

CrI.OP.No.3105 of 2024

Murugan
S/o.Krishnan

...Petitioner

Vs.

State represented by,
The Inspector of Police,
M-4, Red Hills Police Station,
Chennai
(Crime No.653 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in C.C.No.485 of 2023 pending on the file of the Special Court under EC & NDPS Act, Chennai), Crime No.653 of 2022.

For Petitioner : Mr.S.Krishnamoorthy

For Respondent : Mr.V.Meghanathan
Government Advocate (Criminal Side)



CrI.OP.No.3105 of 2024

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.03.2023 for the offence punishable under Sections 8(c) r/w 20(b)(iii)(C), 25, 29(1) of NDPS Act in CC No.485 of 2023 on the file of the Special Court under EC & NDPS Act, Chennai, (Cr.No.653/2022), seeks bail.

2. The case of the prosecution is that on 18.09.2022, the respondent police, based on secret information from informer, stopped some persons and found suspicious substances in their possession. As per standard operating procedure, the police attempted to check the persons in front of Judicial Magistrate and gazetted officer. Since no public came forward to be witness, the suspects were checked and ganja, weighing about 200 kgs was confiscated from them and a case was registered in Cr.No.653 of 2022.

3. Based on the confession statement of the first accused, the petitioner was arrayed as eighth accused in the case and he was arrested and remanded on 19.03.2023.



Crl.OP.No.3105 of 2024

WEB COPY

4. The learned counsel for the petitioner submits that no recovery was made from the petitioner. He has been included in the case based only on the confession statement made by the first accused. The learned counsel submits that the petitioner was not involved in any other case.

5. The learned Government Advocate (Crl.Side) concedes that no recovery was made from the petitioner. The petitioner was added in the case based on the statement made by the first accused. The learned Government Advocate also accepts that the petitioner has no previous case of this nature.

6. Charge sheet has been filed in this case and the same was taken in C.C.No.485 of 2023, on the file of the Special Court under EC & NDPS Act, Chennai.

7. Taking into consideration the fact that there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner.



CrI.OP.No.3105 of 2024

WEB COPY

8. Accordingly, the petitioner is ordered to be released on bail on condition that he executes 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 Judge, Special Court under 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 shall report before the Special Court under EC & NDPS Act, Chennai as and when directed by the Court.

[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 Judge/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



WEB COPY



CrI.OP.No.3105 of 2024

learned Judge/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.

15.03.2024

mrn

To

1. Special Court under EC & NDPS Act, Chennai
2. Central Prison,
Puzhal.
3. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.3105 of 2024

V.SIVAGNANAM, J.

(mrn)

Crl.OP.No.3105 of 2024

15.03.2024