



Crl.O.P.No.11058 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

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THE HON'BLE MR. JUSTICE K.KUMARESH BABU

Crl.O.P.No.11058 of 2024

M. Rajib Sarkar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
K 4 Anna Nagar, Police Station,
Chennai
Crime No.39 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., prayed to enlarge the petitioner on bail in Crime No.39 of 2024 on the file of the respondent Police.

For Petitioner : Mr. M.G.Martinmanivannan

For Respondent : Mr. S.Santhosh
Government Advocate (Crl. Side)



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CrI.O.P.No.11058 of 2024

ORDER

The petitioner who was arrested and remanded to judicial custody on 14.02.2024 for the offences under Sections 8(c) r/w 20(b) (ii) (B), 22 (b) and 29 (1) of NDPS Act, 1985, in Crime No.39 of 2024 on the file of the respondent Police, seeks bail.

2. The petitioner is A3 in this case. The case of the prosecution is that the petitioner was found in illegal possession of 100 gms of Ganja and 400 tablets of Pyeevon Spas Plus, which is an intermediate quantity.

3.The learned Government Advocate (crl.side) submitted that A6, A7 and A8 have already been granted bail.

4.Taking into consideration the period of incarceration and also the fact that A6, A7 and A8 have already been granted bail, I am inclined to grant bail to the petitioner / A3 subject to the following conditions:

5. Accordingly, the petitioner is ordered to be released on bail



Crl.O.P.No.11058 of 2024

on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of which, one shall be the blood related surety), each for a like sum to the satisfaction of the learned Principal Special Judge, Special Court for Exclusive trial of cases under 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 respondent Police on every alternate day at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

[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;



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Crl.O.P.No.11058 of 2024

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

08.05.2024

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To

- 1.The Principal Special Judge,
Special Court for Exclusive Trial of Cases under NDPS Act,
Chennai.
- 2.The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai.
- 3.The Central Prison, Puzhal.



Crl.O.P.No.11058 of 2024

4. The Public Prosecutor, High Court of Madras.

K.KUMARESH BABU, J.

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Crl.O.P.No.11058 of 2024

08.05.2024



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Crl.O.P.No.11058 of 2024