



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24248 of 2024

M. Ajith Kumar

... Petitioner

Vs.

State Rep by.
The Inspector of Police
PEW Anna Nagar Police Station,
Chennai.
Crime No. 206 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in CC No. 786 of 2023 in crime
No.206 of 2023 pending on the file of the Special Judge, I Additional Special
Court for exclusive Trial of cases under NDPS Act, Chennai.

For Petitioner : Mr.M.Manimaran
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)



WEB COPY



ORDER

The petitioner, who was arrested and remanded to judicial custody on **04.05.2023** for the alleged offences punishable under Sections **8 (c) r/w 20 (b)(ii)(c), 29(i) of NDPS Act, in crime No. 206 of 2023** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused persons along with possession of 80 kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and also the contraband was not seized from the petitioner. Further, he stated that more than 606 days the petitioner was in custody. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that on the date of alleged occurrence the petitioner escaped from the spot and they transported the contraband from Andhra Pradesh. Further, he submitted that the A2 is still absconding and split up charge sheet has been filed. However, he raised objection to grant bail.



WEB COPY

5. Considering the facts and circumstances of the case and also the petitioner was in custody for more than 600 days. Further, the contraband was not recovered from this petitioner and have no previous cases and he availed with bail in other cases Hence, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned I Additional Principal Sessions Judge under EC and 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 daily at 10.30 a.m., until further orders;



WEB COPY



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

07.11.2024

pbl



WEB COPY



T.V.THAMILSELVI,J.

pbl

To

1. The **I Additional Principal Sessions Judge under EC and NDPS Act, Chennai.**

2. The Inspector of Police
PEW Anna Nagar Police Station,
Chennai.

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 24248 of 2024

07.11.2024