



CrI.O.P.No.29103 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.29103 of 2024

Palani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
NIB CID Police Station,
Salem.
Crime No.33 of 2005.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner/A2 on bail pending further proceedings in C.C.No.6 of 2016 on the file of the learned Special Court under EC and NDPS Act Cases, Salem in Crime No.33 of 2005 on the file of the Respondent Police.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.09.2024, for the offences U/s.8(c) r/w. 20(b)(ii)(C) of NDPS Act, in C.C.No.6 of 2016, in connection with Crime No.33 of 2005, pending on the file of the learned Special Court under EC and NDPS Act Cases, Salem, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in C.C.No.6 of 2016, pending on the file of learned Special Court under EC and NDPS Act Cases, Salem. He further submitted that totally 4 accused are involved in this case, out of 4 accused, A-1 and A-4 earlier faced trial in C.C.No.137 of 2006 and they have been acquitted on 23.03.2017 and the case against the petitioner was split up in C.C.No.6 of 2016, before the same Court and the petitioner was regularly appearing. On 04.12.2019, since, the petitioner met with serious accident, resulting in a head injury and was under treatment he did not appear before the Court, thereby a Nonailable Warrant came to be issued against him, pursuant to which, petitioner has been arrested on 02.09.2024. Learned counsel further



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submitted that the evidence against the petitioner is as same as of the other accused. He further submitted that the petitioner is ready to co-operate for speedy trial and he is ready to appear before the Trial Court on all working days without fail. Hence, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the case against the petitioner was split up in the year 2016. Since the petitioner, who is an accused facing trial in C.C.No.6 of 2016, pending on the file of learned Special Court under EC and NDPS Act Cases, Salem, has failed to appear before the trial Court on 04.12.2019, a Non-Bailable Warrant was issued against him on 04.12.2019 and pursuant to the same, he was arrested on 02.09.2024. He would further submit that, if the petitioner is released on bail, there is every possibility of absconding. Hence, he opposed the grant of bail to the petitioner.

4. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record including medical certificate issued.



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5. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Special Court under EC and NDPS Act Cases, Salem**, 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 appear before the **learned Special Judge for EC / NDPS Act Cases, Salem, on all working days at 10.30 a.m, until further orders;**

[c] the petitioner shall file an Affidavit of Undertaking to the effect that he will co-operate for



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speedy disposal of the trial;

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence or witness during trial;

[f] 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]*;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

21.11.2024

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To

1. The Special Court under EC and NDPS Act Cases, Salem
2. The Inspector of Police,
NIB CID Police Station,
Salem.
3. The Superintendent,
Central Prison, Salem.



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4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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