



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

CORAM:

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

Crl.O.P.No.130 of 2022

Nirmal Kumar @ Rajesh @ Raj

...Petitioner

Vs.

State Rep by its
Inspector of Police
M8 Sathangadu Police Station
Chennai

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.46 of 2021 on the file of the respondent.

For Petitioner : Mr.S.Gunasekar

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 26.11.2021 for the offences under Sections 8(c) read with 20(b)(ii)(B), 25 of NDPS Act 1985, in Crime No.46 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on a secret information, the respondent police seized 6000 gms of Ganja from the petitioner. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and that he has been suffering incarceration for 55 days from 26.11.2021. However, on instructions he would submit that the petitioner is ready and willing to deposit a substantial amount to any charitable institution as may be directed by this Court and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner has got two previous cases but admits that all the accused have been secured and the investigation is almost completed.



5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand Only), to the credit of the Ramakrishna Math, No.31, Ramakrishna Math Road, Mylapore, Chennai-600 004, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the said Math for the rehabilitation of leprosy patients.

6. It is made clear that the deposit of the amount by the petitioner to the said Math would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the facts and circumstances of the case and the fact that all the accused have been secured and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the credit of Ramakrishna Math, No.31, Ramakrishna Math Road, Mylapore, Chennai-600 004, without prejudice to his defence before the trial Court and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Thiruvottriyur, Chennai, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;



(g) 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]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

19/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVOTTRIYUR, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
M8, SATHANGADU POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

6 THE RAMAKRISHNA MATH,
NO.31, RAMAKRISHNA MATH ROAD,
MYLAPORE, CHENNAI 600 004.

+2 CC to M/S.S.GUNASEKAR Advocate on payment of necessary charges SR.719

CRL OP.130/2022

Date :19/01/2022

RVR 19/01/2022