



Crl.O.P.No.1440 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2023

CORAM :

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

Crl.O.P.No.1440 of 2023

1.Arjun
2.Shahil
3.Jaisankar

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
No.1, Royapuram Police Station, Chennai
(Crime No.558 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in pending investigation in Crime No.558 of 2022 on the file of respondent police.

For Petitioners : Mr.C.D.Sugumar

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.12.2022 for the alleged offence under Section 8(c), 22(b) and 29(i) of NDPS Act in Crime No.558 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 60 Nitrazepam 10 mg tablets. Hence, the case.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent person and he has been falsely implicated in this case. He would further submit that the contraband involved in this case is in-between quantity. He would also submit that without prejudice, the petitioners are prepared to deposit an amount of Rs.15,000/- as non-refundable deposit to any welfare scheme of the Government and he is prepared to abide by any stringent conditions that may be imposed by this



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Court and hence, he prays for grant of bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) submits that the petitioner along with other accused was found in illegal possession of 60 Nitrazepam 10 mg tablets. He would submit that the investigation has been completed and there is no previous cases pending against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. In order to curb the illegal activities of transporting drugs, this Court is of the opinion that the petitioners shall deposit totally a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to "**Kaakkum Karangal Old Age Home, 89/47, Santhome High Road, Santhome, Chennai-600028**", without prejudice to his rights and contentions before the trial Court.



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7. Merely, because the petitioners deposit the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners have prepared to deposit Rs.15,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are directed to **deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the credit of the Kaakkum Karangal Old Age Home, 89/47, Santhome High Road, Santhome, Chennai-600028, A/c No.000101219273, ICICI Bank, Santhome Branch, IFSC Code:ICIC0003432, MICR Code:600229120, Swift Code: ICICINBBXXX, Mobile No.9840068800** and on such deposit and production of proof, the petitioner are ordered to be released



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on bail on their executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of **learned Principal Sessions Court for NDPS cases, Madras** 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 petitioners shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m., for a period of eight weeks

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond 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



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T.V. THAMILSELVI, J.

vsn

in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*;

and;

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

24.01.2023

vsn

To

1. The Principal Sessions Court for NDPS cases, Madras
2. The Inspector of Police,
No.1, Royapuram Police Station, Chennai
3. The Superintendent
Central Puzhal Prison,
Puzhal
- 4.The Public Prosecutor,
High Court of Madras, Chennai.

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