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Crl.O.P.No.1454 of 2023

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.1454 of 2023

Dhamodharan @ Dhamu

... Petitioner

Vs.

State Rep. By it's
The Inspector of Police,
B3, Kanchi Taluk Police Station,
Kanchipuram,
Kanchipuram, District.

(Crime No.813 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.813 of 2022 on file of the respondent police.

For Petitioner : Mr.K.G.Senthil Kumar

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 24.11.2022 for the alleged offence under Sections 8(c) r/w 20 (b) (ii) (B) of NDPS Act, in Crime No.813 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused was found an illegal possession of 1Kg 250 gms of Ganja. Hence, the case.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that without prejudice. He further submitted that the petitioner has been suffering incarceration 24.11.2022. He is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the petitioner along with other accused was found in illegal possession 1Kg 250



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gms of Ganja. He would submit that the investigation has been completed and there is one previous case pending against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5.Heard the learned counsel for the petitioner 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 petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to " **Registered Advocate Clerks Welfare Association, Kanchipuram.**", without prejudice to his rights and contentions before the trial Court.

7.Merely, because the petitioner deposits 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



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that the petitioner has prepared to deposit Rs.10,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of the Registered Advocate Clerks Welfare Association, Kanchipuram** and on such deposit and production of proof, 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 each for a like sum to the satisfaction of **learned Judicial Magistrate No-II, Kachipuram, Kanchipuram District** 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 Wednesday at 10.30 a.m., for four months**

(c) the petitioner shall not tamper with evidence or



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witness either during investigation or trial;

(d)the petitioner 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 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 Judicial Magistrate Court-II, Kachipuram,
Kanchipuram District
2. The Inspector of Police,
B3, Kanchi Taluk Police Station,
Kanchipuram,
Kanchipuram, District.
- 3.The Superintendent,
Central Prison,
Puzhal
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI,J.

VSn

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