



Crl.O.P.No.1435 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.1435 of 2023

Navaraj
S/o.Neelamegam

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
T-9, Pattabiram Police Station,
Chennai District.
(Crime No.702 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.702 of 2022 on the file of respondent police.

For Petitioner : Mr.V.Gunasekar

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



Crl.O.P.No.1435 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.12.2022 for the alleged offence under Sections 294(b), 353, 506(2) of IPC and Section 8(c), 20(b)(ii)(B) of NDPS Act 1985 in Crime No.702 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 in illegal possession of 1650 grams 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 further submit that the contraband involved in this case is in-between quantity. He would also submit that without prejudice, the petitioner is prepared to deposit an amount of Rs.15,000/- as non-refundable deposit to any welfare scheme of the Government and he is



Crl.O.P.No.1435 of 2023

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 of 1650 grams of Ganja. He would submit that the investigation has been completed and there are six previous cases 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.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to "**Registered Advocate Clerks Welfare Association, Tiruvallur.**", without prejudice to his rights and contentions before the trial Court.



CrI.O.P.No.1435 of 2023

WEB COPY

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 that the petitioner has prepared to deposit Rs.15,000/- 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.15,000/- (Rupees Fifteen Thousand Only) to the credit of the Registered Advocate Clerks Welfare Association, Tiruvallur** 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 Court-II, Tiruvallur** and on



CrI.O.P.No.1435 of 2023

further conditions that:

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(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 a period of four months

(c) the petitioner shall not tamper with evidence or 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;



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vsn

To

1. The Judicial Magistrate Court-II,
Tiruvallur.
2. The Inspector of Police,
T-9, Pattabiram Police Station,
Chennai District.
3. The Superintendent
Central Puzhal Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras, Chennai.



CrI.O.P.No.1435 of 2023

24.01.2023



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Crl.O.P.No.1435 of 2023

T.V. THAMILSELVI, J.

vsn

Crl.O.P.No.1435 of 2023



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CrI.O.P.No.1435 of 2023

24.01.2023