



Crl.O.P.No.5201 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

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

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Kalinga Raj @ Kalinga

... Petitioner

Vs.

State through

Inspector of Police

Vandavasi South Police Station

Tiruvannamalai

Crime No.32 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.32 of 2023 on the file of
the respondent police.

For Petitioner : Mr.L.Thiyagaiya

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.02.2023 for the offences punishable under Sections 8(C) read with 20(b)(ii)(A), 32 of Narcotic Drugs and Psychotropic Substances Act and Section 25 (1-A) of Arms Act, in Crime No.32 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.02.2023 at about 17.30 hrs., the petitioner was found in illegal possession of 100 grams of Ganja in front of a Government Boys Higher Secondary School and when the police attempted to catch him, he tried to escape by brandishing knife. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case for statistical purpose and that the petitioner has been suffering incarceration from 13.02.2023. Hence, he prayed to grant bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail to the petitioner stating that the petitioner is sole accused in this case and he was found in possession of 100 grams of Ganja to be sold to the school students and that the petitioner also tried to escape from the police by brandishing knife. He would further submit that the petitioner has got one previous case for the offence under the NDPS Act.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.15,000/- as non- refundable deposit to any welfare scheme of the Government or to any shelter home and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.



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7. In order to curb the illegal activities of selling and smuggling of Contraband, 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 **"Little Drops - Public Charitable Trust, Mobile-9176623342."**, without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner deposited 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.

9. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel that the petitioner is prepared to deposit Rs.15,000/- to any welfare scheme of the Government and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.15,000/- (Rupees Fifteen**



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Thousand only) by way of **Demand Draft/RTGS/NEFT to the "Little Drops - Public Charitable Trust, Account No.05811010002400, IFSC - PUNB0058110, Punjab National Bank, Moulivakkam Chennai, Mobile - 9176623342."** without prejudice to his rights and contentions before the trial Court, 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Vandavasi**, 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 everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

17.03.2023

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To
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1. The Judicial Magistrate, Vandavasi
2. The Inspector of Police
Vandavasi South Police Station
Tiruvannamalai
3. The Central Prison
Vellore
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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