



Crl.O.P.Nos.5765 & 6177 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.04.2023

CORAM:

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

Crl.O.P.Nos.5765 & 6177 of 2023

1.Saravanan @ Peela Saravanan

2.Kosuprakash

.. Petitioner in Crl.O.P.No.5765 of 2023

Arunkumar @ Pongal

.. Petitioner in Crl.O.P.No.6177 of 2023

/versus/

The State rep.by
The Inspector of Police,
H-6, R.K. Nagar Police Station,
Chennai 21.
(Crime No.307 of 2022)

.. Respondent in both Crl.O.Ps.

Common Prayer: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioners on bail pending investigation in Crime No.307 of 2022 on the file of the respondent police.

For petitioners
in Crl.O.P.No.5765 of 2023 : Mr.S.Prabhudoss

For petitioner
in Crl.O.P.No.6177 of 2023 : Mr.M.Illiyas



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For Respondent
in both Crl.O.Ps.

: Mr.C.E.Pratap,
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody for the offence punishable under Sections 8(c), 22(c), 29(1) of NDPS Act, in Crime No.307 of 2022, on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the de-facto complainant/B.Kumar, Sub Inspector of Police, is that on receiving the specific information, he intercepted two persons named Yuvaraj and Subash and from their custody, he has recovered 15 numbers of LSD Stamp weighing about 0.24 grams and arrested the accused. During the course of investigation, confession statement was recorded from the arrested accused, in which, they have stated that four other accused have escaped from the scene of occurrence. Thereafter, the respondent has registered this case in Crime No.307 of 2022 for the offences under Sections 8(c) r/w 22(C), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985. Hence the case.



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3.Mr.S.Prabhudoss, learned counsel appearing for the petitioners in Crl.O.P.No.5765 of 2023 submitted that the petitioners are innocent persons and they have been falsely roped in this case, based on the confession statement recorded from A2 and A3, from whom, the contraband has been recovered. He further submitted that the name of the petitioners have also been implicated in the First Information Report only based on the confession statement recorded from the arrested accused. He further submitted that the petitioners are in judicial custody from 21.05.2022 and the investigation has been completed and the final report has been filed before the learned II Additional Special Judge for NDPS Act cases, Chennai and the case has been taken up for trial in C.C.No.319 of 2022. He also submitted that the petitioners have permanent residence and they are ready to abide by any stringent condition that may be imposed on them. Hence, he prayed for grant of bail to the petitioners.

4.Mr.M.Illiyas, learned counsel appearing for the petitioner in Crl.O.P.No.6177 of 2023 submitted that the petitioner is an innocent person and the fact remains is that the petitioner has got 7 previous cases



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pending before the various Stations in North Chennai and only in order to put fetters on the petitioner, the name of the petitioner has been falsely implicated in this case. He further submitted that the petitioner has no previous case against him under NDPS Act. He further submitted that the petitioners are in judicial custody from 11.06.2022 and the investigation has been completed and the final report has been filed before the learned II Additional Special Judge for NDPS Act cases, Chennai and the case has been taken up for trial in C.C.No.319 of 2022. He also submitted that the petitioner has permanent residence and he is ready to abide by any stringent condition that may be imposed on him. Hence, he prayed for grant of bail to the petitioner.

5. Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioners are habitual offenders. He further submitted that based on a secret information, the respondent had gone to the place of occurrence, wherein, he has arrested A2 and A3 and from A2, 15 nos of LSD Stamps weighing about 0.24 grams, which is a commercial quantity, has been recovered. During the course of investigation, based on the confession statement recorded from the



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arrested accused, the name of the petitioners came to be implicated in this case. He further submitted that as far as A4 and A5 in this case are concerned, they have got four previous cases, out of which, one case has been registered for the offence under NDPS Act. As far as A6 is concerned, he has got 7 previous cases registered for the offence under IPC. Hence, he opposed for grant of bail to the petitioners.

6.In reply, Mr.S.Prabhudoss, learned counsel for the petitioners in Crl.O.P.No.5765 of 2023 submitted that in those cases also, nothing has been recovered from the petitioners and they have been granted bail in the earlier case. He further submitted that without prejudice to their defense, the petitioners are ready and willing to deposit an amount of Rs.10,000/- each as non- refundable deposit to any welfare scheme of the Government or to any shelter home . Hence, he prayed for grant of bail to the petitioners.

7.Mr.M.Illiyas, learned counsel for the petitioner in Crl.O.P.No.6177 of 2023 submitted that without prejudice to his defense, the petitioner is ready and willing to deposit an amount of Rs.10,000/- as



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non- refundable deposit to any welfare scheme of the Government or to any shelter home . Hence, he prayed for grant of bail to the petitioner.

8.Heard the learned Counsel for the petitioners and the learned Government Advocate (crl.side) and perused the materials available on record.

9. On considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of **"The Government Kilpauk Medical College Hospital, Kilpauk, Chennai"**, without prejudice to their rights and contentions before the trial Court.

10. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.



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11. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

12. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.10,000/- (Rupees Ten thousand only)** each by way of **Demand Draft/RTGS/NEFT** to the **"The Government Kilpauk Medical College Hospital, Kilpauk, Chennai, "Hospital Maintenance Fund", Canara Bank, Kilpauk Branch, A/c.No.1650101005396, IFSC Code : CNRB0001650, MICR Code : 600015050"** without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Metropolitan**



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Magistrate No.XV, George Town, Chennai and the learned Special Judge for EC & NDPS Act case, Chennai respectively 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 everyday at 10.30 a.m., until further orders;

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

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;



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

10.04.2023

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To

- 1.The Special Judge for EC and NDPS Act cases,
Chennai.
- 2.The Metropolitan Magistrate No.XV,
George Town, Chennai.
- 3.The Inspector of Police,
H-6, R.K. Nagar Police Station,
Chennai 21.
- 4.The Central Prison,
Puzhal.
- 5.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

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