

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

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

Crl.O.P.No.5797 of 2023

Taiyub Ali

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-15, SRMC Police Station,
Chennai.
(Crime No.103 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, concerned in Crime No.103 of 2023,
pending on the file of respondent Police.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 01.02.2023 for the offences punishable under Sections 8(c) r/w

20(b)(ii)(B) of NDPS Act in Crime No.103 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on receiving a secret information, the respondent Police along with his team went to the scene of occurrence and they found that the petitioner was in illegal possession of 1.300 kgs of Ganja. Hence the complaint.

3. The learned counsel for the petitioner would submit 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 the petitioner is ready to abide by any stringent conditions imposed that may be imposed by this Court and he is in judicial custody from 01.02.2023. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioner was found to be in illegal possession of 1.300 kgs of Ganja. He further submitted that the contraband involved in this case is in-between quantity. He also submitted that there is one NDPS case is

pending against the petitioner. Hence, he opposed for grant of bail to the petitioner.

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.10,000/- to any welfare scheme run by the Government. He further stated that the petitioner is ready to abide by any other 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.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of **“The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856.”**, without prejudice

to his rights and contentions before the trial Court.

8. Merely, because the petitioner has 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. Considering the facts and circumstances of the case and also the submissions made by the learned counsel for the petitioner that the contraband involved in this case is in between quantity and also considering the period of incarceration undergone by the petitioner from 01.02.2023, 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.10,000/- (Rupees Ten Thousand only) by way of Demand Draft/RTGS/NEFT to the credit of **“The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856”**, 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court No.I, Poonamallee**, 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 trial Court daily 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;

[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]***;

A.D.JAGADISH CHANDIRA.,J.

drl

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

13.03.2023

drl

To

- 1.The Judicial Magistrate Court No.I,
Poonamallee.
- 2.The The Inspector of Police,
T-15, SRMC Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.

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