



Crl.O.P.No.6423 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

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

Crl.O.P.No.6423 of 2023

Surya @ Kerala Surya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
N4 Fishing Harbour Police Station,
Chennai.

(Crime No.331 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.331 of 2022, pending on the file of respondent Police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.02.2023 for the offences punishable under Sections 8(c), 22(b), 29(1) of NDPS Act, in Crime No.331 of 2022, 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 along with other accused were in illegal possession of 10 tablets of MDMA Ecstasy (each contains 6 grams) and 3 grams of methamphetamine. 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, based on the confession statement recorded from the other accused, from whom, the contraband has been recovered. He would further submit that the main accused, from whom, the contraband was recovered, has been granted bail by this Court in Crl.O.P.No.32582 of 2022. He would also



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submit that the petitioner is in judicial custody from 03.02.2023 and hence, he prays for grant of bail to the petitioner.

4.The respondent has filed a detailed counter.

5.The learned Government Advocate (crl.side) for the respondent submitted that the petitioner along with other accused was found in illegal possession of 10 tablets of MDMA Ecstasy (each contains 6 grams) and 3 grams of methamphetamine. He would further submit that there are four previous cases pending against the petitioner, out of which, one is similar in nature. Hence, he opposed for grant of bail to the petitioner.

6.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.25,000/- each to any welfare scheme run by the Government. Hence, he prays for grant of bail to the petitioner.

7.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.



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8. 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) as a non refundable deposit to **"The Government Kilpauk Medical College Hospital, Kilpauk, Chennai"**, without prejudice to his rights and contentions before the trial Court.

9. 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.

10. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

11. 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) each** by way of **Demand Draft/RTGS/NEFT to the "The**



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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 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 XVI Metropolitan Magistrate, George Town, Chennai** 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 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



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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.

27.03.2023

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To

1. The XVI Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
N4 Fishing Harbour Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vkr

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