



CrI.O.P.No.7172 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

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

CrI.O.P.No.7172 of 2023

Rajinisakthi

... petitioner

Vs.

The State represented by,
The Station House Officer,
Neravy Police Station,
Karaikal District.

(Crime No.12 of 2023).

... 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.12 of 2023, pending on the file of the respondent police.

For petitioner : Mr.V.Vivek

For Respondent : Mr.M.V.Ramachandramurthy
Addl Public Prosecutor (Pondicherry)



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CrI.O.P.No.7172 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.02.2023 for the offences punishable under Section 20(b)(ii)(A) r/w 8(c) of NDPS Act and Section 77 of Juvenile Justice Act 2015 in Crime No.12 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 75 grams of Ganja. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that the fact remains is that the petitioner has got some previous cases against him and only in order to put the petitioner under fetters, the respondent has registered a false case against the petitioner. He would further submit that the petitioner is in judicial custody from 21.02.2023 and hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.7172 of 2023

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that while the respondent Police was on regular patrol, the petitioner was found to be in possession of 75 grams of Ganja. He would further submit that there are six previous cases pending against the petitioner, out of which, two cases are similar in nature. However, 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.20,000/- to any welfare scheme run by the Government. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) 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.20,000/- (Rupees Twenty Thousand only) to the credit of "Carunnai –



CrI.O.P.No.7172 of 2023

School for mentally challenged", 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. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.20,000/- to the credit of **"Carunnai -School for mentally challenged"**, 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.20,000/- (Rupees Twenty Thousand only) by way of **RTGS/NEFT to the credit of "Carunnai-School for mentally challenged, No.30, 5th Cross, Kamban Nagar, Reddiarpalayam, Pondicherry 10, Ph No.94429 32645"**, without prejudice to his rights and contentions before the trial Court, on such deposit



CrI.O.P.No.7172 of 2023

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 No.I, Karaikal**, 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 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]***;



CrI.O.P.No.7172 of 2023

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

31.03.2023

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To

1. The Judicial Magistrate No.I,
Karaikal.
2. The Station House Officer,
Neravy Police Station,
Karaikal District.
3. The Central Prison,
Pondicherry.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.7172 of 2023

A.D.JAGADISH CHANDIRA.,J.

Vkr

Crl.O.P.No.7172 of 2023

31.03.2023