



Crl.O.P.No.6157 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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Vinukonda Purna Prakash

... Petitioner

Vs.

State Rep by
Inspector of Police
Railway Police Station
Salem District
(Crime No.26 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the bail to the petitioner in Crime No.26 of 2023 on the
file of the respondent police.

For Petitioner : Mr.R.K.Arjun Raj

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.02.2023 for the offences punishable under Sections 8(c) read with 20(b)(ii)(B), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.26 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of a secret information, the Sub Inspector of Police of the respondent Police station along with his team, went to the scene of occurrence and conducted a search during which, the petitioner/A1 was found in possession of 4 kgs. of Ganja. 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. He further submitted that the petitioner is a college student studying BE-ECE in Mahendra Engineering College, Namakkal, and that he has been suffering incarceration from 14.02.2023. 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 there are two accused involved in this case and the petitioner who is arrayed as A1 in this case, was found transporting Ganja in Dhanbad to Alappuzha Express Train No.13351 on the instruction of A2.

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/- 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.

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.10,000/- (Rupees Ten Thousand only) as non refundable deposit



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to **"Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai"**, without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner deposits 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 that the fact that the petitioner is a college student 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.10,000/- (Rupees Ten Thousand only)** by way of **Demand Draft/RTGS/NEFT** to the **"Rehoboth - Home for Mentally Challenged Homeless Women No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai, Punjab National Bank , Moulivakkam Branch, Account No. 05812010015060,**



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IFSC Code : PUNB0058110, MICR Code : 600024081" 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 Special Judge EC/NDPS Act Court, Salem**, 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 6.30 p.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.

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To

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1. The Special Judge EC/NDPS Act Court, Salem
2. Inspector of Police
Railway Police Station
Salem District
3. The Central Prison
Salem
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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