



CrI.O.P.No.6428 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

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

CrI.O.P.No.6428 of 2023

Rishigesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T4, Maduravoyal Police Station,
Chennai 95.

(Crime No.107 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.107 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.S.N.Arunkumar

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



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CrI.O.P.No.6428 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.02.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 25 and 29(1) of NDPS Act in Crime No.107 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 along with other accused was in illegal possession of 2 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 19.02.2023. Hence, he seeks for grant of bail to the petitioner.



CrI.O.P.No.6428 of 2023

WEB COPY

4.The learned Government Advocate (crl.side) for the respondent submitted that the petitioner along with other accused was found to be in illegal possession of 2 kgs of Ganja. He further submitted that the contraband involved in this case is in-between quantity. He also submitted that there is no previous case 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 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



CrI.O.P.No.6428 of 2023

Rs.10,000/- (Rupees Ten Thousand only) to the credit of "The Dean, Rajiv Gandhi Government General Hospital, Chennai", 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 of the parties and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to the credit of the "The Dean, Rajiv Gandhi Government General Hospital, Chennai", 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,**



Crl.O.P.No.6428 of 2023

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**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Poonamalle**, 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



CrI.O.P.No.6428 of 2023

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.

21.03.2023

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To

1. The Judicial Magistrate No.II,
Poonamallee.
2. The Inspector of Police,
T4, Maduravoyal Police Station,
Chennai 95.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.6428 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.6428 of 2023

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