



Crl.O.P.No.6415 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM

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

Crl.O.P.No.6415 of 2023

Stephen Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-3, Pallavaram Police Station,
Chennai.
(Crime No.810 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail pending investigation in
Crime No.810 of 2022, on the file of respondent Police.

For Petitioner : Mr.R.Sasikumar

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



WEB COPY



Crl.O.P.No.6415 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.10.2022 for the offences punishable under Section 8(c), 22(b), 27(a) and 25 of NDPS Act, 1985 in Crime No.810 of 2022, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 11.10.2022 at about 9.00 hours, when the Sub Inspector of Police, was in station duty at that time, he received a secret information about the illegal transport of Narcotic Substance, after receiving the secret information, he along with his police went to the Pallavaram and conducted a vehicle check up, at that time, the respondent police stopped the vehicle of the accused and enquired them and found the petitioner along with other accused were in illegal possession of Nitrovet Tablet – 1300 numbers, Tydol 100 mg – 1700 numbers and the entire contraband was seized by the respondent police under the cover of seizure mahazar in the presence of witnesses. Based on the complaint, a case was registered in T-3 Pallavaram Police Station, Cr.No.810 of 2022 under section 8(c) r/w 22(b), 27(a), 25 of NDPS Act, 1985 against the accused. Hence, the complaint.



Crl.O.P.No.6415 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is a painter by profession and the petitioner without understanding the contents had carried the contraband at the request of the other accused. He further submitted that the contraband involved in this case is in-between quantity. He further submit that the petitioner is in judicial custody from 11.10.2022 for the past so many days. He further submit that the petitioner has got permanent residence and he is ready to abide any condition imposed on him by this Court. Hence, he seeks for grant of bail to the petitioner.

4. The respondent has filed a detailed counter. The specific recovery as against this petitioner is A4.

5.The learned Government Advocate (crl.side) for the respondent would submit that the petitioner along with other accused were found in illegal possession of 200 Nitrovel Tablet each weighing 0.568 grams total weight of about 113.6 grams, and 200 Tydol 100 Mgs, which is not a scheduled substance, He would submit that the contraband involved in this



Crl.O.P.No.6415 of 2023

case is intermediate quantity. He further submit that on enquiry, the respondent police found that the petitioner is a painter by profession and he has also got permanent residence. 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.10,000/- to any welfare scheme run by the Government. He further stated that the petitioner is in judicial custody from 11.10.2022 and 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.10,000/- (Rupees Ten Thousand only) to the credit of **"The Dean/Medical Officer, Government Chrompet Hospital, Chennai"** without prejudice to his rights and contentions before the trial Court.



Crl.O.P.No.6415 of 2023

WEB COPY

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 "Government Chrompet 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/Medical Officer, Government Chrompet Hospital, Chennai",** 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



Crl.O.P.No.6415 of 2023

learned Judicial Magistrate No.II, Tambaram, 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 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 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.

24.03.2023

drl



CrI.O.P.No.6415 of 2023

WEB COPY

To

1. The Judicial Magistrate No.II,
Tambaram.
2. The Inspector of Police,
T-3, Pallavaram Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.6415 of 2023

A.D.JAGADISH CHANDIRA.,J.

drl

Crl.O.P.No.6415 of 2023

24.03.2023