



Crl.O.P.No.6672 of 2023

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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.6672 of 2023

Manimaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B1 – North Beach Police Station,
Chennai.
(Crime No.3 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail in Crime No.3 of 2023, on
the file of respondent Police.

For Petitioner : Mr.R.Rafi Babu

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 14.02.2023 for the offences punishable under Section 9A, 22(C) of NDPS Act, 1985 in Crime No.3 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 03.01.2023 at about 14.30 hours, the defacto complainant Tr.Premkumar, Sub Inspector of Police along with the police team attached to B1 North Beach Police Station, Chennai received a secret information about illegal selling of Narcotic substances, after receiving the secret information, he along with this police team went to GT Court backside, 2nd line Beach Road, immediately, the Sub Inspector of Police along with his police team apprehended A1 and conducted enquiry with accused person A1, he had stated that he along with one Shankar and Manimaran were buying Methamphetamine in small quantity and that they have been selling to other person and on seeing the police, the said Shankar and Manimaran have escaped from the scene of occurrence and the said contraband was recovered by the respondent police. Thereafter, the respondent police has registered a case in Crime No.3 of 2023 for the offence



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under Sections 9(A), 22(c) of NDPS Act, 1985 against the accused. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession recorded from A1 who was arrested along with contraband, other than the alleged confession statement recorded from A1, there is absolutely no material as against this petitioner. He further submit that even after the arrest of the petitioner, no confession has been recorded and there is no contraband was recovered from the petitioner. He further submit that the petitioner is in judicial custody from 14.02.2023 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.

5. The learned Government Advocate (crl.side) for the respondent would submit that the petitioner along with other accused were found in illegal possession on 03.01.2023, on specific information, the respondent



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police have conducted the search and during search time, A1 was arrested and A2 and A3 were escaped from the scene of occurrence. On search of A1, 50 kgs of Methamphetamine which is a commercial quantity and based on the confession of A1, this petitioner has been implicated and there is no recovery from this petitioner. However, the petitioner has got two other previous cases of similar nature of having found in possession of intermediate quantity. However, he opposed for grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that though the respondent stated that the A1 was arrested right behind the GT Court they have not taken any steps to record the confession before any authority, thereby he seeks bail for 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.10,000/- to any welfare scheme run by the Government. He further stated that the petitioner is in judicial custody from 14.02.2023 and hence, he prays for grant of bail to the petitioner.



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

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) to the credit of **"The Dean/Medical Officer, Government Stanley Medical College Hospital, 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 that apart from the confession recorded from A1, there is no material to connect the petitioner, and this Court is of the opinion that the petitioner has satisfied the condition required under Section 37 of NDPS, for grant of bail, this Court is inclined



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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 Stanley 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 **learned VII Metropolitan Magistrate Court, Egmore, 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;



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[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

To

1. The VII Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Inspector of Police,
B1 – North Beach Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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