



Crl.O.P.No.7133 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

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

Crl.O.P.No.7133 of 2023

Ramachandan

... petitioner

Vs.

The State represented by,
The Inspector of Police,
G-2, Perimpet Police Station,
Chennai District.

(Crime No.40 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.40 of 2023, pending on the file of the respondent police.

For petitioner : Mr.T.Nixon

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



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Crl.O.P.No.7133 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.03.2023 for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.40 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 7.2 kgs of Ganja. Hence the complaint.

3. The learned counsel appearing 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 petitioner is a student and a native of Vijayawada and his father is working as a Gazetted Officer in the Government of Andhra Pradesh. He would further submit that when the petitioner travelled to Chennai, some of his friends had handed over a parcel to him to deliver it to a relative in Chennai, other than that, the petitioner does not know about the contents of the parcel. He would further submit that



Crl.O.P.No.7133 of 2023

even as per the prosecution, the contraband involved in this case is in-between quantity. He would also submit that the petitioner is in judicial custody from 03.03.2023 and hence, he prays for grant of bail to the petitioner.

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 7.2 kgs of Ganja. He would further submit that there is no previous case pending against the petitioner. 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.25,000/- 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.



Crl.O.P.No.7133 of 2023

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of "Manonmani Trust - Home for needy in the name of Anbagam", 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.25,000/- to the credit of **"Manonmani Trust - Home for needy in the name of Anbagam, Thirukandalam Village, Thiruvallur District"**, 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.25,000/- (Rupees Twenty



CrI.O.P.No.7133 of 2023

Five Thousand only) by way of **RTGS/NEFT to the credit of "Manonmani Trust - Home for needy in the name of Anbagam, Thirukandalam Village, Thiruvallur District, vide Account Manonmani Trust - Kotak Mahindra Bank, Anna Nagar Branch, A/c. No.9945983362, IFSC Code : KKBK0000469"**, 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 Principal Special Judge (EC & NDPS Act cases), 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., for a period of two weeks and thereafter, as and when required for interrogation;**

[c] the petitioner shall not abscond either during investigation or trial;



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CrI.O.P.No.7133 of 2023

[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.

30.03.2023

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To

1. The Principal Special Judge (EC & NDPS Act cases),
Chennai
2. The Inspector of Police,
G-2, Perimpet Police Station,
Chennai District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.7133 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.7133 of 2023

30.03.2023