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Crl.O.P.No.7159 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

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

Crl.O.P.No.7159 of 2023

Shankar @ Appu

... Petitioner

Vs.

The Inspector of Police,  
D-2 Thiruvallangadu Police Station  
Thiruvallur District.  
(Crime No.105 of 2023)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner on bail in Crime No.105 of 2023 pending  
investigation on the file of the respondent police.

For Petitioner : Mr.P.Muthumizh Selvakumar

For Respondent : Mr. C.E.Pratap  
Government Advocate (Crl. Side)

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 23.02.2023, for the offences punishable under Sections 8(c), 20 (b) (ii)  
(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime  
No.105 of 2023 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 23.02.2023 at about 4.00 p.m., when the Special Sub Inspector of Police of the respondent police station along with his team intercepted the petitioner based on a secret information, the petitioner was found in illegal possession of 1.150 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. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found in illegal possession 1.150 kg of Ganja and he has got 3 previous cases for the offences under Section 392 of IPC. 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 defence and contention, is ready and willing to deposit an amount of Rs.20,000/- to any welfare scheme run by the Government and he is also 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 **Rs.20,000/- (Rupees Twenty Thousand only) to the credit of "Rehoboth - Home for Mentally Challenged Homeless Women"**, 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 considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail



to the petitioner with certain conditions.

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10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) by way of **RTGS/NEFT to the credit of "Rehoboth-Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai, vide Account Rehoboth - Punjab National Bank, Moulivakkam Branch, A/c. No.05812010015060, 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 Judicial Magistrate Court, Thiruthani**, 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 10.30 a.m., until further orders;



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[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.

**31.03.2023**

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To

1. The Judicial Magistrate,  
Thiruthani.
2. The Inspector of Police,  
D-2 Thiruvalangadu Police Station  
Thiruvallur District.
3. The Superintendent,  
Central Prison, Puzhal.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA,J.**

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