



Crl.O.P.No.7593 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

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

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1.Abhimanyu Kahnar

2.Krushna Chandra Kahnar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
PEW - Hosur Police Station,
Krishnagiri District.

(Crime No.203 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners/accused on bail, in connection with the
Crime No.203 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.T.Balaji

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 20.02.2023, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.203 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 20.02.2023, on receipt of a specific information, the The Inspector of Police attached to the respondent police station along with his team, conducted a search near GG Chavadi, during which, they found the accused persons in illegal possession of 8.200 Kilograms of Ganja. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He submitted that the petitioners are natives of Odisha and they are permanently employed in TVS Company at Hosur. He further submitted that the petitioners are no way connected with the alleged offence and they have been in judicial custody from 20.02.2023 and that they are prepared to abide



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by any stringent condition that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioners who are the natives of Odisha and presently working in TVS Company, Hosur, were found in illegal possession of 8.200 Kilograms of Ganja. He further submitted that no previous case is pending as against the petitioners. However, he opposed to grant bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defense and contentions, are ready and willing to deposit an amount of Rs.20,000/- each to any welfare scheme run by the Government and the petitioners are ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

6. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.side) and perused the materials available on



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record.

7. On considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) each to the credit of **"Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai"**, without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their 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 the learned counsel on either side and also taking note of the fact that the petitioners have come forward to deposit some amount to any welfare scheme run by the Government, this Court is inclined to grant bail to the petitioners with certain conditions.



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10. Accordingly, the petitioners are ordered to be released on bail on condition to make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) each by way of RTGS/NEFT to the credit of **"Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai, Punjab National Bank , Moulivakkam Branch, Account No. 05812010015060, IFSC Code : PUNB0058110, MICR Code : 600024081"**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties out of which, one shall be a blood related surety**, each for a like sum to the satisfaction of the **learned Special Judge for EC/NDPS Act cases, Salem**, 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 petitioners shall report before the respondent Police, everyday at 06.30 p.m., until further orders;



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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

06.04.2023

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To

1. The Special Judge for EC/NDPS Act cases, Salem.
2. The Inspector of Police,
PEW - Hosur Police Station,
Krishnagiri District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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