



Crl.O.P.No.7438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

Crl.O.P.No.7438 of 2023

Neheru Mallick

... Petitioner

Vs.

State Rep. By
The SSI of Police
Katpadi Railway Police Station,
GRP Chennai District.
(Crime No.19 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.19 of 2023 on the file of
the respondent police.

For Petitioner : Mr.S.V.Karthikeyan

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



ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.02.2023, for the offences punishable under Sections 8(c) r/w 20(b) (ii) (B) of NDPS Act, in Crime No.19 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.02.2023, the petitioner was found in possession of 7.500 kgs. of Ganja. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is native of Odisha and while he was travelling in train, he was arrested and due to language problem, the petitioner has been falsely implicated in this case. Even as per the prosecution version, the quantity of contraband alleged to have been recovered from the petitioner is only 7.500 kgs. which is an intermediate quantity and that the petitioner has no other case against him. He further submitted that the petitioner has been in judicial custody for more than 60 days from 17.02.2023 and he is ready to abide by any stringent conditions and also ready to furnish blood sureties. He also submitted that the petitioner is ready to deposit a substantial amount to any charitable institution as may be directed by this Court without prejudice to



his rights and defence before the trial Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police vehemently opposed to grant bail to the petitioner stating that the petitioner who is native of Odisha, was found in possession of 7.500 kgs of Ganja.

5. The respondent police has filed a detailed counter.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR and the counter filed by the respondent police.

7. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is directed to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten 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, Punjab National Bank , Moulivakkam Branch, Account 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.15,000/- (Rupees Fifteen Thousand Only)** with **two sureties, out of which, one shall be a blood relative of the petitioner, each** for a like sum to the satisfaction of the **learned Judicial Magistrate II, 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 petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders;



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[c] at the time of furnishing sureties, the blood related surety shall convince the learned Magistrate with regard to his/her permanent residence;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]*;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To
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1. The Judicial Magistrate II, Salem
2. The SSI of Police,
Katpadi Railway Police Station,
GRP Chennai 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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