



Crl.O.P.No.7621 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

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

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S. Ashardeen

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore city

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleaded to enlarge the petitioner/accused on bail, in connection with the

Crime No.73 of 2023, pending on the file of respondent Police.

For Petitioner : Mr. A. Tamilarasan

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 10.03.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(A) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 328 of the Indian Penal code, 1860 in Crime No.73 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 470 grams of Ganja. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner is ready to abide by any stringent conditions imposed that may be imposed by this Court and he is in judicial custody from 10.03.2023. Hence, he seeks for grant of bail to the petitioner. He would also submit that the quantity recovered is a small



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quantity.

4.The learned Government Advocate (crl.side) for the respondent submitted that the petitioner was found to be in illegal possession of 470 grams of Ganja.. He would further submit that there are 3 previous cases pending against the petitioner. 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 defense and contention, is ready and willing to deposit an amount of Rs.15,000/- 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.

7. On considering the voluntary submission made by the learned



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counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of "**Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai**", , 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.15,000/- to the credit of **Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai**", , 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.15,000/- (Rupees Fifteen



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Thousand only) by way 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No.VII, Coimbatore** 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;

[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;



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[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.

21.04.2023

smn

To

1.The **Judicial Magistrate No.VII, Coimbatore**

2.The Inspector of Police,
Kuniamuthur Police Station,
Coimbatore city

3. The Central Prison , Coimbatore

4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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