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Crl.O.P.No.7504 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

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

Crl.O.P.No.7504 of 2023

Anand Babu @ Anand

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P1, Pulianthope Police Station,
Chennai.

(Crime No.963 of 2020).

... 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.963 of 2020, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Rajavelu

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



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ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to judicial custody on 06.02.2023 for the offence under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.963 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of the secret information, the respondent and his team went to the scene of occurrence, wherein, they found that the accused were in illegal possession of 1.200 Kilograms of Ganja. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He further submitted that even as per the prosecution, the contraband alleged to have been recovered from the petitioner is an intermediate quantity. He further submitted that the petitioner was arrested on 06.02.2023 and he is in custody for more than 50 days, hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police opposed for granting bail to the petitioner stating that the petitioner is habitual offender, against whom, 8 previous cases are pending, out of which, one case is of similar in nature. He further submitted that as far as this case is concerned, the petitioner along with other accused was found to be in illegal possession of 1.2 kgs of Ganja. Hence, he prayed for dismissal of the petition.

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.10,000/- to any welfare scheme run by the Government. He further stated that the petitioner is 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.



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7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of "The Dean, Rajiv Gandhi Government General Hospital, 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 the learned counsel on either side and taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to the credit of the "The Dean, Rajiv Gandhi Government General Hospital, Chennai" 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.10,000/- (Rupees Ten Thousand only) **by way of Demand Draft/RTGS/NEFT to the credit of “The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856”,** 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 X Metropolitan Magistrate, Egmore, 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, 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.

05.04.2023

ham/vkr

To

1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P1, Pulianthope Police Station,
Chennai.
3. The Central Prison
Puzhal, Chennai.



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4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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