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Crl.O.P.No.7706 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

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

Crl.O.P.No.7706 of 2023

Saravanan @ Kutta Saravanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-10, Thirumullaivoyal Police Station.

(Crime No.698 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in respect of C.C.No.55 of
2023 on the file of the learned Principal Special Judge, Special Court under
EC & NDPS Act, Chennai in Crime No.698 of 2022, on the file of the
respondent Police.

For Petitioner : Mr.C.Raja

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 21.11.2022, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) & 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.698 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of the secret information about illegal sale of Ganja, the respondent and his team went to the Ayapakkam Water Tank, wherein, they found that the accused were in illegal possession of 1.100 kilograms 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, 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 also submitted that investigation in this case has been completed and the case has also been committed in C.C.No.55 of 2023 on the file of the learned Principal Special Judge, Special



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Court under EC & NDPS Act, Chennai. He also submitted the petitioner is in custody from 21.11.2022, hence, he prayed for grant of bail to the petitioner.

4. The respondent has filed the detailed counter.

5. 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, 6 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 1.100 kilograms of Ganja. He also submitted that the case has been taken up on the file of the learned Principal Special Judge, Special Court under EC & NDPS Act, Chennai, in C.C.No.55 of 2023 and the case now stands posted on 13.04.2023 for serving copies to the accused. Hence, he prayed for dismissal of the petition.

6. 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



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by the Government. He further stated that the petitioner 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.

7. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

8. 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.

9. 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.



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10. 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 petitioner has come forward to deposit an amount of Rs.20,000/- 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.

11. 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.25,000/- (Rupees Twenty five thousand**



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only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Ambattur, 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 appear before the learned Principal Special Judge, Special Court under EC & NDPS Act, Chennai, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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]*;



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

11.04.2023

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To

1. The Judicial Magistrate,
Ambattur, Chennai.
2. The Inspector of Police,
T-10, Thirumullaivoyal Police Station.
3. The Central Prison,
Puzhal - II, Chennai.
4. The Public Prosecutor,
High Court of Madras.
5. The Principal Special Judge,
Special Court under EC & NDPS Act,
Chennai,



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A.D.JAGADISH CHANDIRA.,J.

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