



Crl.O.P.Nos.8073 & 7903 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

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

Crl.O.P.Nos.8073& 7903 of 2023

Atheequr Rehman ... Petitioner in Crl.O.P.No.8073 of 2023
Yeshwanth Ramesh ... Petitioner in Crl.O.P.No.7903 of 2023
Vs.

State represented by
The Inspector of Police,
N-3 Muthialpet Police Station,
Chenani.

Crime No.40 of 2023 ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to release the petitioners on bail in Crime No.40 of 2023 pending on
the file of the respondent police.

For Petitioner
in Crl.O.P.No.8073 of 2023 : Mr.M.Illiyas
For Petitioner
in Crl.O.P.No.7903 of 2023 : Mr.R.C.Paul Kanagaraj
For Respondent in
both Crl.O.Ps. : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.Nos.8073 & 7903 of 2023

COMMON ORDER

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The petitioners, who were arrested and remanded to judicial custody on 17.03.2023 for the offences punishable under Sections 8(c), 22(b), 25, 29(1) of NDPS Act in Crime No.40 of 2023 on the file of the respondent police, seek 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 4 ½ grams of methamphetamine. Hence the case.

3. Mr.M.Illiyas, learned Counsel for the petitioner in Crl.O.P.No.8073 of 2023 submitted that the petitioner is an innocent person and a false complaint has been given against him. 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 there is no previous case pending against the petitioner and the petitioner is in judicial custody from 17.03.2023. Hence, he prayed for grant of bail to the petitioner.



Crl.O.P.Nos.8073 & 7903 of 2023

WEB COPY

4. Mr.R.C.Paul Kanagaraj, learned Counsel for the petitioner in Crl.O.P.No.7903 of 2023 submitted that the petitioner is an innocent person and a false complaint has been given against him. He further submitted that though the petitioner is stated to have been arrested along with main accused, there is no recovery made from the petitioner. He further submitted that even as per the prosecution, the contraband alleged to have been recovered from A1 and A2 is an intermediate quantity. He also submitted that there is no previous case pending against the petitioner and the petitioner is in judicial custody from 17.03.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners were in conscious possession of 4 ½ grams of methamphetamine, which is an intermediate quantity. He further submitted that there is no previous case pending against the petitioners and the investigation is still pending. Hence, he opposed for grant of bail to the petitioners.

5. At this juncture, the learned counsel for the petitioner on both sides submitted that the petitioners, without prejudice to their defense and



Crl.O.P.Nos.8073 & 7903 of 2023

contention, are ready and willing to deposit an amount of Rs.15,000/- each to any welfare scheme run by the Government. He further stated that the petitioners are ready to abide by any stringent condition 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 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.15,000/- (Rupees Fifteen Thousand only) each to the credit of "Manonmani Trust", without prejudice to his 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.



Crl.O.P.Nos.8073 & 7903 of 2023

WEB COPY

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 petitioners have come forward to deposit an amount of Rs.15,000/- each to the credit of the "Manonmani Trust" and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail on condition to make a non-refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand only) each by way of **RTGS/NEFT to the credit of "Manonmani Trust, Account Number : 9945983362, IFSC Code : KKBK0000469, Kotak Mahindra Bank, Anna Nagar Branch"**, 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 his executing a separate 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 **learned XVI Metropolitan Magistrate, George Town, Chennai** and on further conditions that:



Crl.O.P.Nos.8073 & 7903 of 2023

[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 10.30 a.m., until further orders;

[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.

18.04.2023

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CrI.O.P.Nos.8073 & 7903 of 2023

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To

1. The XVI Metropolitan Magistrate, George Town, Chennai.
2. The Inspector of Police,
N-3 Muthialpet Police Station,
Chennai.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.Nos.8073 & 7903 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.Nos.8073& 7903 of 2023

18.04.2023