



Crl.O.P.No.8599 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

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

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Santhoshkumar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Mecheri Police Station,
Salem District.

Crime No.326 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in pending trial in Spl.C.C.No.22 of
2023 on the file of the Special Court under EC and NDPS Act cases, Salem.

For Petitioner : Mr.W.Camyles Gandhi

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 26.07.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Spl.C.C.No.22 of 2023 in connection with Crime No.326 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 1.450 kgs of Ganja. Hence the case.

3. Learned Counsel for the petitioner submitted that this is the second application for bail filed by the petitioner and this Court had dismissed the earlier bail application filed in Crl.O.P.No.22949 of 2022 vide order dated 30.09.2022 on the ground that the petitioner is a habitual offender having two previous cases and this Court had also directed the trial Judge to complete the trial within a period of four months from 30.09.2022. He further submitted that the trial has not been completed so far. He also submitted that the petitioner is in judicial custody from 26.07.2022, 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 submitted that the earlier application for bail filed by the petitioner was dismissed, since the petitioner was having two previous cases. He further submitted that despite the order passed on 30.09.2022, the trial has not been completed. However, 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.10,000/- to any welfare scheme run by the Government and he is also ready to abide by any stringent condition 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.

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.10,000/- (Rupees Ten Thousand only) to the credit of "The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem", 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 also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to the credit of the "Government Mohan Kumaramangalam Medical College Hospital, Salem", 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.10,000/- (Rupees Ten Thousand only) **by way of RTGS/NEFT to the credit of "The**



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Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem", 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 separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means) each for a like sum to the satisfaction of the **learned Special Judge for EC & NDPS Act cases, 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 learned Special Judge for EC & NDPS Act cases, Salem, on all working days 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;

[e] On breach of any of the aforesaid conditions,



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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.

20.04.2023

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To

1. The Special Judge for EC & NDPS Act cases,
Salem.
2. The Inspector of Police,
Mecheri Police Station,
Salem 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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