



Crl.O.P.No.8507 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

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

Crl.O.P.No.8507 of 2023

Indhunathan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
T-15 SRMC Police Station,
Chennai.

Crime No.191 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in pending investigation in Crime
No.191 of 2023 on the file of the respondent police.

For Petitioner : Mr.C.C.Chellappan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 09.03.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act in Crime No.191 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused was found to be in possession of 1.5 kgs of Ganja. Hence, this 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. 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 is in judicial custody from 09.03.2023, hence, he prayed for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.

5. Learned Government Advocate (Crl. Side) appearing for the



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respondent police submitted that the petitioner along with other accused was found to be in possession of 1.5 kgs of ganja, which is an intermediate quantity. He would further submit that there are three previous cases similar in nature pending against the petitioner. However, he opposed for granting bail to the petitioner.

6.In reply, the learned counsel for the petitioner submitted that the petitioner was earlier arrested in Crime No.438 of 2022 registered by the T-14 Mangadu Police Station for the offences under Sections 8(c) r/w 20(b)(ii)(B), 25 and 29(1) of NDPS Act and he was granted statutory bail on 27.02.2023 and immediately after coming out on bail, the respondent Police has foisted a fresh case against him. He further 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 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.

7.Heard the learned Counsel for the petitioner and the learned



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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.15,000/- (Rupees Fifteen Thousand only) to the credit of "**The Government Kilpauk Medical College Hospital, Kilpauk, Chennai**", 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.

10. 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.15,000/- to the credit of the "**The Government Kilpauk Medical College Hospital, Kilpauk, Chennai**" and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail



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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.15,000/- (Rupees Fifteen Thousand only)** by way of **Demand Draft/RTGS/NEFT** to the **"The Government Kilpauk Medical College Hospital, Kilpauk, Chennai, "Hospital Maintenance Fund", Canara Bank, Kilpauk Branch, A/c.No.1650101005396, IFSC Code : CNRB0001650, MICR Code : 600015050"** 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 surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Poonamallee**, 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 6.30 p.m., until further



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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, 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 Judicial Magistrate No.I,



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Poonamallee.

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2. The Inspector of Police,
T-15 SRMC Police Station,
Chennai.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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