



Crl.O.P.No.8531 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.8531 of 2023

1.Settu

2.Jaggamdorakantesh @ Neelakandam

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Dharmapuri Prohibition
Enforcement Wing Police Station,
Dharmapuri District.

Crime No.310 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in pending investigation in Crime
No.310 of 2023 on the file of the respondent police.

For Petitioners : Mr.C.Deepakkumar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 13.03.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.310 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found to be in illegal possession of 12 kgs of Ganja. Hence, this case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that even as per the prosecution, the contraband alleged to have been recovered from the petitioners is an intermediate quantity. He further submitted that the petitioners are in judicial custody from 13.03.2023, hence, he prayed for grant of bail to the petitioners.

4. The respondent has filed a detailed counter.

5. Learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners were found to be in illegal



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possession of 12 kgs of ganja, which is an intermediate quantity. He would further submit that there is no previous case pending against the petitioners. However, he opposed for granting bail to the petitioners.

6.In reply, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defense and contention, are ready and willing to deposit an amount of Rs.10,000/- each to any welfare scheme run by the Government and they are also ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

7.Heard the learned Counsel for the petitioners 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 petitioners, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of "**M/S The Tamil Nadu Juvenile Justice Fund**", without prejudice to their rights and contentions before the trial Court.



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9. 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.

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 petitioners have come forward to deposit an amount of Rs.10,000/- each to the credit of the "**M/S The Tamil Nadu Juvenile Justice Fund**" and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

11. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** each to the credit of **M/S The Tamil Nadu Juvenile Justice Fund, A/C No.358001000000671, IFSC: IOBA0001288, MICR: 600020073, Indian Overseas Bank, SME Kilpauk Branch, Address: No.20, Ormes Road, Kilpauk, Chennai 10**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of



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proof, the petitioners are ordered to be released on bail on their 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 Judicial Magistrate No.II, 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 petitioners shall report before the respondent Police, everyday at 6.30 p.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]***;



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[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.II,
Salem.
2. The Inspector of Police,
Dharmapuri Prohibition
Enforcement Wing Police Station,
Dharmapuri 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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