



Crl.O.P.No.8603 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

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

Crl.O.P.No.8603 of 2023

Poongodi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mecheri Police Station,
Salem.

(Crime No.164 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in connection with the

Crime No.164 of 2023, pending on the file of respondent Police.

For Petitioner : M/s. 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 23.03.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985 in Crime No.164 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on receiving a secret information, the respondent Police along with his team went to the scene of occurrence and they found that the petitioner to be in illegal possession of 1.300 kgs of Ganja. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the contraband involved in this case is in-between quantity. He would also submit that the petitioner is aged about 58 years and he is ready to abide by any stringent conditions imposed that may be imposed by this Court and he is in judicial custody from 23.03.2023. Hence, he seeks for grant of bail to the petitioner.



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4.The learned Government Advocate (crl.side) for the respondent submitted that the petitioner was found to be in illegal possession of 1.300 kgs of Ganja. He further submitted that the contraband involved in this case is in-between quantity. He also submitted that there are seven previous cases pending against the petitioner out of which one is similar in nature . Hence, 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.20,000/- to any welfare scheme run by the Government. 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.20,000/- (Rupees Twenty Thousand only) to the credit of "Manasu – Home for needy", 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 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 "Manasu – Home for needy", 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.20,000/- (Rupees Twenty Thousand only) by way of **RTGS/NEFT to the credit of " Manasu, Account Number : 024404406764190001, IFSC Code : CSBK0000244,**



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CSB Bank, Pallvaram Branch", 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Special Court under EC and 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 stay at Chennai and report before the North Beach Police Station everyday 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, 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



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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.

21.04.2023

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To

1.The **Special Court under EC and NDPs Act cases, Salem**

2.The State represented by,
The Inspector of Police,
Mecheri Police Station,
Salem
(Crime No.164 of 2023).

3. The Special Prison for Women, Salem.

4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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