



Crl.O.P.No.8724 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

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

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1. Arunkumar

2. Cherkuri Peter

... Petitioners

Vs.

The State represented by,  
The Inspector of Police,  
Ambattur PEW Police Station,  
Ambattur, Thiruvallur District,  
( Crime No. 157 of 2023)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioners/accused on bail, in connection with the  
Crime No.157 of 2023, pending on the file of respondent Police.

For Petitioners : M/s.N. Palaniappan

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 04.03.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act in Crime No.157 of 2023, on the file of the respondent Police, seek 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 petitioners along with other accused were in possession of 6 kgs of Ganja . Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they been falsely implicated in this case. He would also submit that the petitioners are students and the parents of the petitioners are scavengers hailing from a poor family and the seized contraband is an intermediate quantity. The petitioners are ready to abide by any stringent conditions imposed that may be imposed by this Court and he is in judicial custody from 04.03.2023. Hence, he seeks for grant of bail to the



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petitioners.

4.The learned Government Advocate (crl.side) for the respondent submitted that the petitioners along with other were in possession of 6 kgs of Ganja. He would further submit that there was one previous case pending against the first petitioner/A1 and there is no previous case pending against the second petitioner/A2. Hence, he opposed for grant of bail to the petitioners.

5.At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.10,000/- each to any welfare scheme run by the Government. 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.



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7. 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 "**Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai**", , 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 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 petitioners have come forward to deposit an amount of **Rs.10,000/- (Rupees Ten Thousand only) each** to the credit of **Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai**", , this Court is inclined to grant bail to the petitioners with certain conditions.



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10. 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 by way of **"Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai, Punjab National Bank , Moulivakkam Branch, Account No. 05812010015060, IFSC Code : PUNB0058110, MICR Code : 600024081",** without prejudice to his 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 bond for a sum of **Rs.10,000/- (Rupees Ten thousand only) each with two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate, Ambattur** 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 10.30 a.m., until further orders;**

[c] the petitioners shall not abscond either during investigation or trial;



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[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.

**21.04.2023**

*smn*

To

1.The **Judicial Magistrate, Ambattur**

2The Inspector of Police,  
Ambattur PEW Police Station,  
Ambattur,Thiruvallur District,

3. The Central Prison , Puzhal, Chennai



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4. The Public Prosecutor,  
High Court of Madras.

**A.D.JAGADISH CHANDIRA.,J.**

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