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Crl.O.P.No.8822 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.O.P.No.8822 of 2023

Lenin Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
M-6, Manali Police Station,
Chennai.

(Crime No.76 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.76 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.S.Apunu

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police opposed for granting bail to the petitioner stating that the petitioner along with other accused was found to be in illegal possession of 1.100 Kilograms of Ganja. He further submitted that the petitioner has got one previous case against him. Hence, he prayed for dismissal of the petition.

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. He further stated that the petitioner is ready to abide by any other stringent conditions 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 counsel for the petitioner, the petitioner is directed to deposit a sum of



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Rs.20,000/- (Rupees Twenty Thousand only) directly to the "The Head Master, Government Girls Higher Secondary School, Tiruvottiyur", without prejudice to his rights and contentions before the trial Court, so as to enable the Head Master to use the aforesaid amount for the purpose of purchasing the things useful for children.

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 taking note of the fact that the petitioner has come forward to deposit an amount of Rs.20,000/- to the credit of the "The Head Master, Government Girls Higher Secondary School, Tiruvottiyur" and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 Demand Draft/RTGS/NEFT to the credit of "The Head Master, Government Girls Higher Secondary School, Tiruvottiyur"**, without prejudice to his rights and contentions before the trial Court, so as to enable the Head Master to use the aforesaid amount for the purpose of purchasing the things useful for children, 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Thiruvottiyur**, 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 10.30 a.m., until further orders;

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



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[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.

24.04.2023

mpa

To

1. The Judicial Magistrate, Thiruvottiyur.
2. The Inspector of Police,
M-6, Manali Police Station,
Chennai.
3. The Central Prison
Puzhal-II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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