



WEB COPY



CrI.O.P.No.9209 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

CrI.O.P.No.9209 of 2023

Manogaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
J-10, Chemmanchery Police Station,
Chennai
(Crime No.1999 of 2017).

... 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.1999 of 2017, pending on the file of respondent Police.

For Petitioner : M/s. V. JaiSankar

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



WEB COPY



CrI.O.P.No.9209 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.03.2023 and non-bailable warrant issued against him, in C.C.No.73 of 2023 for the offences under Section 8(c),20(b) (ii) (B) of NDPS Act in Crime No.1999 of 2017, seeks bail.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 1.2 kilograms of Ganja. Hence, this case.

3. The learned counsel for the petitioner would submit that the respondent had completed investigation in Crime No. 1999 of 2017 and filed a final report and the case has been taken on file in C.C.No.73 of 2023 on the file of the I Additional Special Court for Exclusive trial of cases under NDPS Act, Chennai. He would submit that at the time of filing the final report, the respondent has shown the petitioner as an absconding accused. He would further submit that the petitioner is a aged person and he is residing in the same address for more than 10 years and the learned magistrate without issuing summons and without taking proper steps had straight away issued



Crl.O.P.No.9209 of 2023

Non Bailable Warrant of arrest against the petitioner and pursuant to the same, the petitioner was arrested at his house and remanded to judicial custody. He also stated that the petitioner prepared to comply with any stringent condition that may be imposed by this Court and ready to furnish sufficient sureties. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that in this case the petitioner was found to be in illegal possession of 1.20 kgs of Ganja. He would also submit that the petitioner was shown as an absconding accused in the charge sheet and he did not appear before the Trial Court, thereby, a Non Bailable Warrant of arrest was issued against him and he was arrested on 20.03.2023. Hence, he opposed for grant of bail to the petitioner.

6. 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.



CrI.O.P.No.9209 of 2023

WEB COPY

7. Heard the learned counsel for the petitioner 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 petitioner, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of "**Little Drops -Public Charitable Trust**", 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 also taking note of the fact that the petitioner is a senior citizen and that he was not arrested during investigation and the charge sheet was filed stating that the petitioner is an absconding accused and that the trial Court, without



CrI.O.P.No.9209 of 2023

issuing summons had straight away issued a Non Bailable Warrant of arrest against the petitioner, pursuant to which, he was arrested and also considering that the petitioner has come forward to deposit an amount of Rs.20,000/- to the credit of "**Little Drops -Public Charitable Trust**", this Court is inclined to grant bail 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.20,000/- (Rupees Twenty Thousand only) by way of **RTGS/NEFT to the credit of "Little Drops -Public Charitable Trust, Account Number : 05811010002400, IFSC Code : PUNB0058110, Punjab National Bank, Moulivakkam, Chennai",** 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.15,000/- (Rupees Fifteen thousand only)** with **two sureties (out of which one must be a blood related surety)** , each for a like sum to the satisfaction of the **Metropolitan Magistrate Court II, Alandur** 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



CrI.O.P.No.9209 of 2023

Bank pass Book to ensure their identity;

[b] the petitioner shall report before the Trial Court on all working days at 10:30 a.m for a period of three weeks and thereafter on the dates fixed by the learned Trial Judge.

[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.

26.04.2023

smn

To

1.The Metropolitan Magistrate Court II, Alandur



CrI.O.P.No.9209 of 2023

WEB COPY

- 2.The Inspector of Police,
J-10, Chemmanchery Police Station,
Chennai
(Crime No.1999 of 2017).
3. The Central Prison, Puzhal
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.9209 of 2023

A.D.JAGADISH CHANDIRA.,J.

smn

Crl.O.P.No.9209 of 2023

26.04.2023