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Crl.O.P.Nos.9381 and 9390 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

Crl.O.P.Nos.9381 and 9390 of 2023

Basker ... Petitioner in Crl.O.P.No.9381 of 2023

Sivasankari ... Petitioner in Crl.O.P.No.9390 of 2023

Vs.

State Rep. By
The Inspector of Police
T-1, Ambattur Police Station, Avadi
(Crime No.160 of 2023)

... Respondent in both the Crl.O.Ps.

COMMON PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in Crime No.160 of 2023 on the file of the respondent police.

In both Crl.O.Ps.

For Petitioners : Mr.N.Saravanan

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



COMMON 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 NDPS Act, in Crime No.160 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 03.03.2023, the petitioners along with two other accused, were found in possession of 2.100 kgs. of Narcotic substance (Ganja). Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Even as per the prosecution version, nothing was recovered from the petitioners and that the quantity of contraband alleged to have been recovered from the main accused is intermediate quantity. He further submitted that the petitioners have been in judicial custody for more than 50 days from 04.03.2023. However, on instructions he would submit that without prejudice to their rights and defence, the petitioners are ready and willing to deposit a substantial amount to any charitable institution as may be directed by this Court and hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing



for the respondent police vehemently opposed to grant bail to the petitioners stating that the petitioner in Crl.O.P.No.9381 of 2023 has got two previous cases and the petitioner in Crl.O.P.No.9390 of 2023 has got one previous case under NDPS Act.

5. The respondent police has filed a detailed counter.

6. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR and the counter filed by the respondent police.

7. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant of bail to the petitioners with certain conditions.

8. Accordingly, the petitioner in Crl.O.P.No.9381 of 2023 is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** and the petitioner in Crl.O.P.No.9390 of 2023 is directed to deposit a sum of



Rs.15,000/- (Rupees Fifteen Thousand Only) as non refundable deposit, by way of RTGS/NEFT to the credit of "**Charu Home for Aged, Account Number : 2771201000291, IFSC Code : CNRB0002771, Canara Bank, Mahila Br., T.Nagar Chennai - 17**", without prejudice to their rights and contentions before the trial Court. On such deposit and production of proof, the petitioners are ordered to be released on bail on their 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 **learned 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;

[d] the petitioners shall not tamper with



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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.

27.04.2023

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To

1. The Judicial Magistrate, Ambattur
2. The Inspector of Police
T-1, Ambattur Police Station, Avadi
3. The Superintendent,
Central Prison, Puzhal
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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