



Crl.O.P.No.9357 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.No.9357 of 2023

1.Logesh @ Ajith
2.Rakesh

... Petitioners

Vs.

State Rep. By
The Inspector of Police
G-1, Maduranthakam Police Station,
Chengalpet District.
(Crime No.209 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.209 of 2023 on the file
of the respondent police.

For Petitioners : Mr.G.Pandian

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



ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.03.2023, for the offences punishable under Sections 8(c), 20(b) (ii) (B) of NDPS Act, in Crime No.209 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 29.03.2023, the petitioners were found in possession of 1.100 kg. of 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, the quantity of contraband alleged to have been recovered from the petitioners are only 1.100 kg. which is an intermediate quantity. He further submitted that the petitioners have been in judicial custody from 29.03.2023 and the petitioners are ready to abide by any stringent conditions that may be imposed on them. He also submitted that the petitioners are ready to deposit a substantial amount to any charitable institution as may be directed by this Court without prejudice to their rights and defence before the trial Court. Hence, he prayed for grant of bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police vehemently opposed to grant bail to the petitioners/A1 and A2 stating that the petitioners were found in possession of 1.100 kg. of Ganja. He would further submit that there is no previous case against 2nd petitioner/A2, however, the 1st petitioner/A1 has got two previous cases of similar nature.

5. 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.

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 1st petitioner/A1 is directed to make a non-refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only)** and the 2nd petitioner/A2 is directed to make a non-refundable deposit of **Rs.10,000/-**



(Rupees Ten Thousand only) by way of RTGS/NEFT to the credit of **"Missionaries of Charity, Mentally retarded Children, Nirmala Shishu Bhavan, No.26/79, West Madha Church Road, Royapuram, Chennai -600 013, South Indian Bank Limited, George Town Branch, A/C.No. 0042053000009382, IFSC Code No. SIBL0000042,** 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 separate bonds for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate I, Maduranthakam,** 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.

27.04.2023

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To

1. The Judicial Magistrate I, Maduranthakam.
2. The Inspector of Police
G-1, Maduranthakam Police Station,
Chengalpet District.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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