



CrI.O.P.No.9526 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

CrI.O.P.No.9526 of 2023

R.Venugopal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-6, RK Nagar Police Station,
Chennai
(Crime No.148 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.148 of 2023, pending on the file of respondent Police.

For Petitioner : M/s. M. Manimaran

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



CrI.O.P.No.9526 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.03.2023 for the offences punishable under Sections 8(c) r/w 22(c), 25, 29(i) of NDPS Act,1985 in Crime No.148 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on receipt of the secret information, the respondent and his team went to the scene of occurrence, wherein, they found that the petitioner along with other accused was found in illegal possession of 60 grams of Ganja. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that only based on the confession statement recorded from A2, the petitioner/A5 has been implicated in this case and there is absolutely no recovery from this petitioner/A5. He would further submit that similarly placed co-accused namely A3 and A4 have been granted bail by this Court in CrI.O.P.Nos.8718 & 9194 of 2023, from whom, no recovery have been made. He would also submit that the petitioner is ready to



CrI.O.P.No.9526 of 2023

abide by any stringent conditions imposed that may be imposed by this Court and he is in judicial custody from 14.03.2023. Hence, he seeks for grant of bail to the petitioner.

4. The Respondent has filed a counter and the overtacts of each accused is stated hereunder:

<i>S.No</i>	<i>Accused</i>	<i>Contrband Seized</i>	<i>Commercial/ Non-Commercial</i>	<i>NDPS Schedule No</i>	<i>Chemical Report</i>
1	Deepan/A1	Nil	---	---	---
2	Darling vincent/A2	60 Grams Methamphetamine	Commercial Quantity	159	Not Obtained
3	Vasimraja/A3	Nil	---	---	---
4	Sowber Sathick/A4	Nil	----	----	----
5	Venugopal/A5	Nil	---	----	---

5 .The learned Government Advocate (crl.side) for the respondent would submit that the petitioner is a friend of A1 and 60 grams of Methamphetamine has been seized from A2, who has got two previous cases pending against him. He would further submit that there is no recovery from this petitioner and there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.



Crl.O.P.No.9526 of 2023

WEB COPY

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.15,000/- to any welfare scheme run by the Government. Hence, he prays for grant of bail to the petitioner.

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.15,000/- (Rupees Fifteen Thousand only) to the credit of "**M/S The Tamil Nadu Juvenile Justice Fund**", 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



CrI.O.P.No.9526 of 2023

case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioner has also satisfied the conditions required under Section 37 of the NDPS Act and come forward to deposit an amount of Rs.15,000/- to the credit of **"M/S The Tamil Nadu Juvenile Justice Fund"**, 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.15,000/- (Rupees Fifteen Thousand only) to the credit of **"M/S The Tamil Nadu Juvenile Justice Fund, A/C No.358001000000671, IFSC: IOBA0001288, MICR: 600020073, Indian Overseas Bank, SME Kilpauk Branch, Address: No.20, Ormes Road, Kilpauk, Chennai 10"**, 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate, George Town** and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



CrI.O.P.No.9526 of 2023

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 Station everyday at 10.30 a.m., until further orders;

[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.

28.04.2023

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To



CrI.O.P.No.9526 of 2023

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1.The Judicial Magistrate, George Town.

2.The Inspector of Police,
H-6, RK Nagar Police Station,
Chennai.

3.The Central Prison,
Puzhal

4.The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.9526 of 2023

Crl.O.P.No.9526 of 2023

28.04.2023