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Crl.O.P.No.11687 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11687 of 2023

Subhasis behara

... Petitioner

Vs.

The State represented by
The Inspector of Police,
PEW Triplicane unit,
Periyamet, Chennai – 03.
(Crime No.112 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.112 of 2023 pending
trial before this Court.

For Petitioner : Mr.G.Anandaraj

For Respondent : Mr.N.Muthuvel
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 03.04.2023 for the offences punishable under Sections 8(c) and



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20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.112 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on receipt of a secret information, the respondent Police along with his team, went to the scene of occurrence and conducted a search, during which, the petitioner was in possession of 10 kgs of Ganja. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Even as per the prosecution, the alleged quantity of Ganja is intermediate quantity and that the petitioner has been suffering incarceration from 03.04.2023. Hence, he prayed to grant bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of bail to the petitioner stating that the petitioner, who is a native of Odisha, was found in possession of 10 kgs. of Ganja, to be sold to school and college students and that it is difficult to trace



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him if he is released on bail. He further submitted that there is no previous case against the petitioner.

5.At this juncture, the learned counsel for the petitioner submitted that the petitioner, to show his bonafide, without prejudice to his defence and contention, is ready and willing to deposit the original title deeds of an immovable property worth about Rs.1 lakh before the Court concerned. Therefore, he prayed to grant bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Cr. Side) and perused the materials available on record.

7.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the incarceration period and also considering the fact that the petitioner is volunteered to deposit original title deeds of an immovable property worth about Rs.1,00,000/- (Rupees One lakh only) to the credit of crime number, this Court is inclined to grant bail to the petitioner with certain



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conditions.

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8. Accordingly, **the petitioner is directed to deposit the original title deeds of an immovable property not less than the value of Rs.1,00,000/- (Rupees One lakh only) (standing in the name of the petitioner or his relatives) to the credit of Crime No.112 of 2023**, without prejudice to his rights and contentions, before the trial Court and on such deposit, 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** (*out of which, one surety should be a blood related surety*), for a like sum to the satisfaction of the **learned Metropolitan Magistrate, Egmore, Chennai** 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 appear before the learned trial Judge concerned on all working days 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



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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.

18.05.2023

vum/vga

To

- 1.The Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police
PEW Triplicane unit,
Periyamet,
Chennai – 03.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

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