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CrI.O.P.No.11812 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

CrI.O.P.No.11812 of 2023

Karthi @ Karukka Karthi

... Petitioner

Vs.

The State by,
The Inspector of Police
T15 Kannagi Nagar Police Station,
Chennai.
Crime No.127 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioner herein on bail in Crime No.127 of 2023 on
the file of the respondent police herein.

For Petitioner : Mr.J.Samiullah

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 18.04.2023, for the offences punishable under Sections 8(c) r/w
20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act in Crime
No.127 of 2023, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on 18.04.2023, the petitioner was found in illegal possession of 1.150 Kilograms 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 and that the petitioner is in Judicial Custody from 18.04.2023. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.10,000/- to any Welfare Scheme of the Government and he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner was found in illegal possession of 1.150 Kilograms of Ganja. He would further submit that there are four previous cases pending as against the petitioner. Apart from the present case, no other case has been registered under NDPS Act. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.



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

7. Accordingly, the petitioner is **directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to the Dean/Medical Officer, Chrompet Government Hospital, Chennai as non refundable deposit** and on such deposit and on receipt of proof of payment, 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 **learned Judicial Magistrate 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 Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

06.06.2023

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To

1. The Judicial Magistrate II, Alandur
2. The Inspector of Police
T15 Kannagi Nagar Police Station,
Chennai.
3. The Superintendent,
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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