



Crl.O.P.No.12377 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

Crl.O.P.No.12377 of 2023

Prem Chand

... Petitioner

Vs.

The State of Tamilnadu, rep by
The Inspector of Police,
Selvapuram Police Station,
Coimbatore City.

(Crime No.111 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 Crime
No.111 of 2023, on the file of the respondent Police.

For Petitioner : Mr.M.Prakash Raj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.05.2023, for the offences punishable under Sections 8(c) and 20(b)(ii)(A) of NDPS Act, 1985 in connection with Crime No.111 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons was found in possession of 200 grams of ganja, 0.06 grams of LSD stamps and 0.79 grams of Methamphetamine. 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. He further submitted that the petitioner is arrayed as A2 in this case. Even as per the prosecution, the entire contraband is stated to have been recovered from A1 who is the main accused and the petitioner is only the friend of A1. He further submitted that the petitioner was not aware of the possession of contraband by A1 and he also submit that the contraband is a



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small quantity. He further submit that the petitioner is in custody from 07.05.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused persons was found in possession of 200 grams of ganja, 0.06 grams of LSD stamps and 0.79 grams of Methamphetamine. He further submitted that no previous case is pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. 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 make a non-refundable deposit of Rs.15,000/- to any welfare scheme run by the Government. Hence, he prays for grant of bail to the petitioner.

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



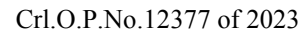
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7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) to the credit of "M/s. The Tamil Nadu Juvenile Justice Fund", without prejudice to his rights and contentions before the trial Court.

8. 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.

9. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioner has 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.



10. Accordingly, the petitioner is ordered to be released on bail on

**[b] the petitioner shall report before the
respondent Police, everyday at 6.30 p.m, until further
orders;**

[c] the petitioner shall not abscond either during



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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

drl

To

1. The Judicial Magistrate No.5,
Coimbatore.
2. The Inspector of Police,
Selvapuram Police Station,
Coimbatore City.
3. The Superintendent,
Central Prison, Coimbatore
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

drl

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