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Crl.O.P.No.12450 of 2023

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.12450 of 2023

Karthick

... Petitioner

Vs.

State represented by,
The Inspector of Police,
T4-Madhuravoyal Police Station,
Chennai.

(Crime No.287 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.287 of 2023 on the file
of respondent police.

For Petitioner : Mr.V.Sriram

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 03.05.2023, for the offences punishable under Sections 294(b), 353 of IPC and Sections 8(c), 20(b)(ii)(B), 25 of NDPS Act, in connection with Crime No.287 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 accused in illegal possession of 500 grams of Ganja. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the prosecution, the contraband alleged to have been recovered from the petitioner is an intermediate quantity. He further submitted that the petitioner was arrested on 03.05.2023 and he is in custody for more than 30 days, hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found in illegal possession of 500 grams of ganja. He further submit that the petitioner has no previous case pending against him. Hence, he vehemently opposed for the 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 deposit an amount of Rs.15,000/- to any welfare scheme run by the Government. He further stated that the petitioner is ready to abide by any other stringent conditions that may be imposed by this Court. 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.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of



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Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of "The Dean, Kilpauk Medical College and Hospital, Kilpauk, Chennai, 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 taking note of the fact that the petitioner has come forward to deposit an amount of Rs.15,000/- to the credit of the "The Dean, Kilpauk Medical College and Hospital, Kilpauk, Chennai, and also considering the period of incarceration undergone by the petitioner, 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 condition to make a non-refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand only) **by way of Demand Draft/RTGS/NEFT to the credit of**



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“The Dean, Kilpauk Medical College and Hospital, Kilpauk, Chennai, “Hospital Maintenance Fund”, Canara Bank, Kilpauk Branch, A/c.No.1650101005396, IFSC Code : - CNRB0001650, MICR Code : - 600015050 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Poonamallee**, 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;

[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



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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.II,
Poonamallee.
2. The Inspector of Police,
T4-Madhuravoyal 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.

drl

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