



Crl.O.P.No.12394 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2023

CORAM

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

Crl.O.P.No.12394 of 2023

1. Karuppaye

2. Sountharaya

... Petitioners

/versus/

The State represented by
The Inspector of Police,
B-1, North Beach Police Station,
Chennai.

(Crime No.118 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of
Criminal Procedure Code, pleaded to enlarge the petitioners on bail in
Crime No.118 of 2023, pending on the file of the respondent Police.

For Petitioners : Mr.R.Mukesh Kannah

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 26.04.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.118 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on receipt of the secret information about illegal sale of narcotic substances, respondent police went to the Beach Road, G.T.Court back side, wherein they found that the accused were in illegal possession of 1.150 kilograms of Ganja. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners (A2 & A4 respectively) are innocent persons, aged about 60 & 23 years respectively and they have been falsely implicated in this case. He further submitted that even as per the prosecution, the contraband alleged to have recovered from A4, second petitioner herein,



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is about 300 grams and further, there was no recovery from the first petitioner (A2). He further submitted that the petitioners are in custody from 26.04.2023 and they are ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed for grant of bail to the petitioners.

4. The respondent Police has filed a detailed counter.

5. Learned Government Advocate (CrI.Side) appearing for the respondent Police submitted that the petitioners (A2 & A4 respectively) along with four other accused were found to be in illegal possession of 1.150 kilograms of Ganja. He further submitted that as far as the second petitioner is concerned, 300 grams of Ganja was recovered from her and there is no recovery from the first petitioner. He also submitted that investigation in this case is still pending and further submitted that one previous case of similar nature is pending as against the second petitioner and in respect of the first petitioner, there is no previous case. However, he opposed for grant of bail to the petitioners.



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6. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defence and contention, are ready and willing to deposit an amount of Rs.15,000/- to any welfare scheme run by the Government. Hence, he prayed for grant of bail to the petitioners.

7. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

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

9. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.



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10. Taking into consideration the above 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 petitioners have come forward to deposit an amount of Rs.15,000/- each to the credit of "M/s The Tamil Nadu Juvenile Justice Fund", this Court is inclined to grant bail to the petitioners with certain conditions.

12. Accordingly, the petitioners are ordered to be released on bail on condition to make a non-refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand only)** each directly 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 their rights and contentions before the trial Court and on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing separate bond each 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 VII**



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Metropolitan Magistrate, George Town, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];***



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[f] If the accused thereafter abscond, a fresh
FIR can be registered under Section 229A IPC.

08.06.2023

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To

1. The VII Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
B-1, North Beach Police Station,
Chennai.
3. The Women Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

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