



CrI.O.P.No.12712 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

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

CrI.O.P.No.12712 of 2023

Hari Babu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
NIB CID,
Chennai.

(Crime No.13 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in Crime No.13 of 2023,
pending on the file of the respondent Police.

For Petitioner : Mr.M.Che Castro

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.04.2023, for the offences punishable under Sections 8(c) r/w 22(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.13 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 along with his police team went to the scene of occurrence, wherein, they found that the accused person was in illegal possession of 26.55 grams of Methamphetamine. 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 the respondent claims that about 26.55 grams of contraband was stated to have been recovered from the petitioner and it comes only under Intermediate quantity. He further submitted that the petitioner is in custody from 13.04.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) submitted that the petitioner was found to be in illegal possession of 26.55 grams of Methamphetamine and the seized contraband come under an intermediate quantity. He also submitted that the investigation in this case is still pending and further submitted that no previous case is pending as against the petitioner. Hence, he object 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 defence and contention, is ready and willing to make a non-refundable deposit of Rs.15,000/- to any welfare scheme. 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) for the respondent Police 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 "Charu Home for Aged", 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 of the case and the submissions made by the learned counsel on both sides and since, it is stated by the respondent that the alleged contraband recovered from the petitioner is an intermediate quantity and taking note of 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 RTGS/NEFT to the credit of "Charu Home for Aged, Account Number : 2771201000291, IFSC Code :



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CNRB0002771, Canara Bank, Mahila Br., T.Nagar Chennai - 17",

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**, each for a like sum to the satisfaction of the learned **XVI Metropolitan Magistrate, George Town**, 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 appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the



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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.

08.06.2023

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To

1. The XVI Metropolitan Magistrate, George Town, Chennai.
2. The Inspector of Police,
NIB CID,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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