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Crl.O.P.No.12552 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2023

CORAM:

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

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1. Dhamodharan @ Dhamu
2. Sanjai @ Appas
3. Yasararabath

... Petitioners

/versus/

The State rep by:  
Inspector of Police,  
C-2, Sunguvarchatram Police Station,  
Kancheepuram District.  
(Crime No.195 of 2023)

.. Respondent

**Prayer:** Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail pending investigation in Crime No.195 of 2023 on the file of the respondent.

For petitioners : M/s.E.L.Kannan

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



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**ORDER**

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The petitioners, who were arrested and remanded to judicial custody on 19.04.2023, in connection with Crime No.195 of 2023 registered for the offences under Sections 8(c) r/w 20(b) (ii) (B), 25 and 29(1) Narcotic Drugs and Pshychotropic Substance Act, 1985 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 Ganja, the respondent and his team went to the scene of occurrence, wherein, they found that the accused were in illegal possession of 1.250 grams of Ganja. Hence the case.

3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the first petitioner has been detained under Act 14. He further submitted that even as per the prosecution, the contraband recovered from the second petitioner was only an intermediate quantity and as far as, the third petitioner is concerned, there is no recovery from him. He also submitted that the



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petitioners are in custody from 19.04.2023. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that pursuant to the order passed by the District Collector and District Magistrate, Kancheepuram District in D.O.No.16/2023, dated 27.05.2023, the first petitioner has been detained as "Drug Offender" as contemplated under Section 2(e) of the Tamil Nadu Act 14 of 1982. He further submitted that as far as this case is concerned, the petitioners were found in illegal possession of 1.250 kgs of Ganja, which is an intermediate quantity. He further submitted that one previous is pending against the second petitioner and in respect of third petitioner, there is no previous case. Hence, he opposed for grant of bail to the petitioners.

5.At this juncture, the learned counsel for the petitioners submitted that without prejudice, the second petitioner is ready and willing to deposit a sum of Rs.20,000/- to any welfare scheme run by the Government. He further stated that the petitioners are also ready to abide



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by any other stringent conditions that may be imposed by this Court.

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Hence, he prays for grant of bail to the petitioners.

6.Heard the learned Counsel for the petitioners 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 second petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of "The Dean/Medical Officer, Government Head Quarters Hospital, Kancheepuram District", without prejudice to his rights and contentions before the trial Court.

8.Merely, because the second 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.



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9. Taking into consideration the facts and circumstances of the case, the submissions made by learned counsel on either side and also considering the period of incarceration undergone by the second and third petitioners, this Court is inclined to grant bail to the second and third petitioners alone with certain conditions.

10. Accordingly, the Criminal Original Petition in respect of the first petitioner (A1) stands closed and in respect of the second and third petitioners, the Criminal Original Petition stands ordered and the second and third petitioners are ordered to be released on bail on their executing a separate 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, Sriperumbudur** 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 second petitioner is directed to make a non-refundable deposit of **Rs.20,000/- (Rupees**



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**Twenty Thousand only)** directly to the credit of **"The Dean/Medical Officer, Government Head Quarters Hospital, Kancheepuram District"**, without prejudice to his rights and contentions before the trial Court, at the time of furnishing sureties;

**[c] the second and third petitioners shall report before the respondent Police everyday at 10.30 a.m., until further orders;**

[d] the second and third petitioners shall not abscond either during investigation or trial;

[e] the second and third petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second and third petitioners in accordance with law as if the conditions have been imposed and the second and third 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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[g] If the accused thereafter abscond, a fresh  
FIR can be registered under Section 229A IPC.

**07.06.2023**

vkcr

To

- 1.The Judicial Magistrate Court, Sriperumbudur
2. The Inspector of Police,  
C-2, Sunguvarchatram Police Station,  
Kancheepuram District.
- 3.The Central Prison,  
Puzhal.
- 4.The Public Prosecutor,  
High Court, Madras.



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**A.D.JAGADISH CHANDIRA,J.**

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