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Crl.O.P.No.12727 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

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

**Crl.O.P.No.12727 of 2023**

K.Karthick @ Seevu Karthick

... Petitioner

Vs.

State rep by  
The Inspector of Police  
Choolaimedu Police Station,

Crime No.178 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.178 of 2023 on the file  
of the respondent police.

For Petitioner : Mr.M.Murali

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

**ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 14.05.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B),  
25 and 29(1) of NDPS Act, in Crime No.178 of 2023 on the file of the  
respondent police, seeks bail.

2. The case of the prosecution is that on 14.05.2023, the petitioner



along with two other accused were found in possession of 1.250 kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case for statistical purpose. He would further submit that there is no recovery from this petitioner and the similarly placed co-accused, from whom, the alleged contraband was recovered, has been granted bail by this Court in Crl.O.P.No.12674 of 2023 on 13.06.2023. He would also submit that the petitioner has been suffering incarceration from 14.05.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent vehemently opposed for grant of bail to the petitioner stating that the petitioner, who is arrayed as A2, along with two other accused was found in possession of 1.250 kgs of Ganja. He would further submit that there are six previous cases pending against the petitioner, out of which, one case has been registered for the offence under NDPS Act. However, he would submit that there is no previous case against the petitioner.

5. At this juncture, the learned counsel for the petitioner would



submit that without prejudice to his defence, the petitioner is ready and willing to deposit a substantial amount to any welfare scheme run by the Government as may be directed by this Court. Hence, he prayed 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 including the FIR.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) to the credit of "**Police Boys Club (T-15 Kannagi Nagar Police Boys and Girls Club),**" without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner has deposits 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. Considering the above facts and circumstances of the case, the



submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is directed to make a non refundable deposit of Rs.30,000/- (Rupees Thirty Thousand Only) by way of **RTGS/NEFT to the credit of "Police Boys Club (T-15 Kannagi Nagar Police Boys and Girls Club), Bank:State Bank of India, A/c. No.32033586872 IFSC Code:SBIB0011932, Branch:Okkiyam Thuraippakkam, Chennai-97, Mobile No.8056156311"** 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 Metropolitan Magistrate No.XVII, Saidapet, 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further



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**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 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]*;

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

**14.06.2023**

*vkrr*

To

1. The Metropolitan Magistrate No.XVII, Saidapet, Chennai.
2. The Inspector of Police  
Choolaimedu Police Station.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,  
High Court of Madras.



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

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