



Crl.O.P.No.12674 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

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

Crl.O.P.No.12674 of 2023

M.Kasthuri Rajan

... Petitioner

Vs.

State Represented 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.,
pleased 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)



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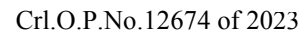
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ORDER

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, 29(1) of NDPS Act, 1985 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 was 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 and that the petitioner has been suffering incarceration for about one month from 14.05.2023. On instructions, he 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.



7. 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.



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8. 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.

9. Accordingly, the petitioner is directed to make a non refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand Only) by way of **RTGS/NEFT to the credit of " Kilpauk Medical College and Hospital, 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**, each for a like sum to the satisfaction of the **learned XVII Metropolitan Magistrate, 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;



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner 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 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]*;

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

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To

1. The XVII Metropolitan Magistrate,
Saidapet, Chennai,
2. The Inspector of Police
Choolaimedu Police Station, Chennai
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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