



Crl.O.P.No.12748 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

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

Crl.O.P.No.12748 of 2023

Giridharan
S/o.Nagappan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
V-4 Rajamangalam Police Station,
Chennai.

(Crime No.175 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.175 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.S.Ramesh

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



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CrI.O.P.No.12748 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.04.2023, in connection with Crime No.175 of 2023 registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 25 & 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeks bail.

2. The case of the prosecution is that on 27.04.2023, on receipt of a secret information, the respondent and his team had gone to the scene of occurrence, wherein, they found the accused were illegally transporting 2.500 Kilograms of ganja in a car viz., Maruti Suzuki Ertiga bearing registration No.TN-13-R-5195. The respondent have arrested the accused and seized the contraband under the cover of seizure mahazar in the presence of witnesses and registered a case in Crime No.175 of 2023 under Sections 8(c) r/w 20(b) (ii) (B), 25 & 29(1) of NDPS Act. Hence the case.

3. Learned counsel appearing 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 co-accused in this case have been granted



Crl.O.P.No.12748 of 2023

bail by this Court in Crl.O.P.Nos.11566 & 11677 of 2023 vide orders dated 18.05.2023. He further submitted that the respondent claims that about 2.500 Kilograms of contraband was stated to have been recovered from the petitioner and it is only an Intermediate quantity. He further submitted that the petitioner is in custody from 27.04.2023 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.

4. The respondent Police has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the petitioner (A1) along with other accused was found to be in illegal possession of 2.500 Kilograms of Ganja in their car. He further submitted that two previous cases of similar nature are pending as against the petitioner. Hence, he opposed for grant of bail to the petitioner.

6. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defence and contention, is ready



Crl.O.P.No.12748 of 2023

and willing to deposit an amount of Rs.20,000/- to any welfare scheme run by the Government. Hence, he prayed for grant of bail to the petitioner.

7. 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.

8. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of "M/s. The Tamil Nadu Juvenile Justice Fund", without prejudice to his rights and contentions before the trial Court.

9. 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.

10. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also



CrI.O.P.No.12748 of 2023

taking note of the fact that the petitioner has come forward to deposit an amount of Rs.20,000/- to the credit of "M/s. The Tamil Nadu Juvenile Justice Fund", this Court is inclined to grant bail to the petitioner with certain conditions.

11. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only)** 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 his rights and contentions before the trial Court and 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 XIII Metropolitan Magistrate, Egmore, 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;



CrI.O.P.No.12748 of 2023

[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 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.

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Crl.O.P.No.12748 of 2023

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To

1. The XIII Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
V-4 Rajamangalam Police Station,
Chennai.
3. The Central Prison - II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.12748 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.12748 of 2023

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