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Crl.O.P.No.12809 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

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

Crl.O.P.No.12809 of 2023

Deepan

... Petitioner

Vs.

State rep by
The Inspector of Police,
H-6, RK Nagar Police Station,
Chennai District.
Crime No.148 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with H-6, RK Nagar
Police Station in Crime No.148 of 2023 for the alleged offences under
Sections 8(c) read with Section 22(c), 25 & 29(i) of NDPS Act pending
investigation on the file of the respondent.

For Petitioner : Mr.J.Karunanithi

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 30.03.2023 for the offences punishable under Sections 8(c) read with Section 22(c), 25 & 29(i) of NDPS Act, in Crime No.148 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.03.2023 based on a secret information, the respondent went to the scene of occurrence wherein, 4 persons/A4 to A7 were found in suspicious manner and on seeing the police, they attempted to escape from the place. However, the respondent police caught hold of them and on search, they recovered 60 grams of Methamphetamine from A4/Darling Vincent. Subsequently, based on their confession, A1 to A3 were implicated in this 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 as A3 based on the confession recorded from the arrested accused and absolutely, there is no recovery from the petitioner. He further submitted that the co-accused/A2, A3 and A4 have been granted bail by this Court and that the petitioner has been suffering incarceration from 30.03.2023. Hence, he prayed for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that the A4 to A7 were found in illegal possession of 60 grams of Methamphetamine and on enquiry, it was found that they had purchased the same from the petitioner herein/A3. However, he would submit that no recovery has been made from the petitioner and that A2, A3 and A4 have been granted bail by this Court. The respondent has filed a detailed counter.

5. 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 and the counter.

6. Considering the 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 and also of the fact that some of the co-accused have been granted bail by this Court, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. 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) by way of Demand Draft/RTGS/NEFT to the credit of

"Light Social Welfare Trust, Canara Bank, Arumuganeri Branch,

A/c.No.1102101018391, IFSC Code : CNRB0001102" 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 XV**

Metropolitan Magistrate George Town, 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 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;



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[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.

09.06.2023

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To

1. XV Metropolitan Magistrate, George Town,
Chennai.
2. The Inspector of Police,
H-6, RK Nagar Police Station,
Chennai District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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