



Crl.O.P.No.12983 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

Crl.O.P.No.12983 of 2023

Abinesh

... Petitioner

Vs.

State Rep. by
Inspector of Police,
C-1, Sriperumbudur Police Station,
Sriperumbudur,
Kancheepuram District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail concerned in Crime No. 380 of
2023 on the file of the respondent.

For Petitioner : Mr.S.Kartik

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.04.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No. 380 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.04.2023 at about 2.00 pm when the respondent police along with his team intercepted the petitioner based on a secret information, the petitioner was found in illegal possession of 1.100 kgs of Ganja. 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. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found in illegal possession 1.100 kg of Ganja and there is no previous case as against the petitioner. However, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.10,000/- to any welfare scheme run by the Government and he is also ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. In order to curb the illegal activities of selling and smuggling of



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Contraband, this Court is of the opinion that the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** as non refundable deposit to **"the Medical Officer, Government Hospital, Sriperumbudur"**, without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner 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.

9. Taking into consideration the facts and circumstances of the case and the submissions made on either side of the parties, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** by way of **Demand Draft/RTGS/NEFT to the "the Medical Officer, Government Hospital, Sriperumbudur "** without



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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 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 petitioner shall report before the respondent police everyday at 10.30 am., until further orders.

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid



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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.

19.06.2023

mfa

To

1. The Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police,
C-1, Sriperumbudur Police Station,
Sriperumbudur,
Kancheepuram District.
3. The Superintendent, 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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