



Crl.O.P.No.13599 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

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Neelakanta Nayak

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Railway Police Station,
Salem.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No. 54 of 2023 on the file of the respondent.

For Petitioner : Mr.T.Balaji

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.03.2023 for the offences punishable under **Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act** in Crime No. 54 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.03.2023, based on a secret information, when the respondent police intercepted the accused, who is the petitioner herein was found in possession of 4.5 kgs. of Ganja. Hence, this 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 would further submit that submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on him. Hence, he prayed for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner was found in possession of 4.5 kgs. of Ganja.

5. At this juncture, the learned counsel for the petitioner would submit that as per the prosecution, the petitioner was found in possession of 4.5 kgs. of Ganja. However, without prejudice, the petitioner is ready and willing to deposit a sum of Rs.20,000/- as non- refundable deposit to any welfare scheme of the Government as may be directed by this Court and prayed 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 Contraband, this Court is of the opinion that the petitioner shall deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** as non refundable



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deposit to **"Dean, Mohan Kumaramangalam Medical College Hospital, Salem"**, 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 and considering the period of incarceration undergone by the petitioner, 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.20,000/- (Rupees Twenty Thousand only)** by way of **Demand Draft/RTGS/NEFT to the "Dean, Mohan Kumaramangalam Medical College Hospital, Salem"** 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/-**



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(Rupees Ten thousand only) with two sureties out of which, one surety shall be the blood relative of the petitioner, for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Salem, 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 6.30 pm., 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 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



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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 No.II, Salem.

2. The Inspector of Police,
Railway Police Station,
Salem.

3. The Superintendent,
Central Prison, Salem.

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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