



Crl.O.P.No.13935 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2023

CORAM

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

Crl.O.P.No.13935 of 2023

Anantharaj

... Petitioner

/versus/

The State represented by
The Inspector of Police,
PEW Tiruchengode Police Station,
Namakkal District.

(Crime No.411 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Criminal Procedure Code, pleased to enlarge the petitioner on bail in connection with Crime No.411 of 2023, pending on the file of the respondent Police.

For Petitioner : Mr.R.Nalliyappan

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



CrI.O.P.No.13935 of 2023

ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 09.05.2023, for the offence punishable under Sections 8(c), 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.411 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 09.05.2023, on receipt of the secret information about illegal transportation of Ganja, the respondent police had conducted a search, during which, they found that the accused was illegally transporting 5.5 kilograms of Ganja in his two wheeler. 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 petitioner is no way connected with the alleged offence, whereas, he is in custody from 09.05.2023. He also submitted that the petitioner 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.



Crl.O.P.No.13935 of 2023

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted the accused was found to be in illegal possession of 5.500 kilograms of Ganja. He further submitted that the investigation in this case is still pending and there is no previous 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.30,000/- each to any welfare scheme run by the Government or any Government organisation. Hence, he prayed for grant of bail to the petitioner.

6. 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.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner are directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of "The



Crl.O.P.No.13935 of 2023

Dean/Medical Officer, District Government Head Quarters Hospital, Namakkal", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner deposit 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 above facts and circumstances of the case, the submissions made by the learned counsel on either side and also 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.30,000/- (Rupees Thirty Thousand only)** directly to the credit of **"The Dean/Medical Officer, District Government Head Quarters Hospital, Namakkal District"**, without prejudice to his rights and contentions before the trial



CrI.O.P.No.13935 of 2023

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 Special Judge for EC/NDPS Act Cases, 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 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



WEB COPY



Crl.O.P.No.13935 of 2023

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.

22.06.2023

To

1. The Special Judge for EC/NDPS Act Cases,
Salem.
2. The Inspector of Police,
PEW Tiruchengode Police Station,
Namakkal District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.13935 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.13935 of 2023

22.06.2023