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Crl.O.P.No.13960 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

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

Crl.O.P.No.13960 of 2023

Eknath

... Petitioner

Vs.

State rep by
The Inspector of Police
R-1, Mambalam Police Station,
T.Nagar, Chennai.

Crime No.122 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.122 of 2023 on the file
of the respondent police.

For Petitioner : Mr.S.L.Venkatesan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.05.2023 for the offences punishable under Sections 8(c) r/w
20(b)(ii)(B) of NDPS Act, in Crime No.122 of 2023 on the file of the
respondent police, seeks bail.



2. The case of the prosecution is that on 23.05.2023, the petitioner was found in illegal possession of 210 grams of Ganja charas. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been implicated in this case. He would further submit that even as per the prosecution, the contraband alleged to have been recovered from the petitioner is of an intermediate quantity. He would further submit that the petitioner has been suffering incarceration from 23.05.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was found in possession of 210 grams of ganja charas. He would also submit that no previous case is pending against the petitioner. However, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the blood relative of the petitioner are ready to stand as surety to the petitioner. However, without prejudice to his defence, the petitioner is ready and willing to deposit a substantial amount to any welfare scheme run by the Government as may be directed by this Court. Hence, he prayed for



grant of bail to the petitioner.

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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 including the FIR.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of "**The Dean, Rajiv Gandhi Government General Hospital, Chennai**" without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner deposits 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. Considering the above 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, this Court is inclined to grant of bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is directed to make a non refundable



deposit of Rs.10,000/- (Rupees Ten Thousand Only) by way of Demand

Draft/RTGS/NEFT to the credit of “The Dean, Rajiv Gandhi

Government General Hospital, Chennai, bearing A/c. No.10273425961,

State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road,

Chennai, IFSC:SBIN0001856” without prejudice to his rights and

contentions and on such deposit and production of proof before the trial

Court, 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, (out of which, one surety should be the blood relative of the

petitioner), each for a like sum to the satisfaction of the **learned Principal**

Special Judge under EC & NDPS Act cases, 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.

23.06.2023

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To

1. The Principal Special Judge for EC & NDPS Act cases,
Chennai.
2. The Inspector of Police
R-1, Mambalam Police Station,
T.Nagar, Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,



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