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Crl.O.P.No.15432 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.07.2023

CORAM:

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.15432 of 2023

R.Raghavendran @ Mani @ Jobida Mani

... Petitioner

/versus/

State Rep by the
Inspector of Police,
T-15, Kannagi Nagar Police Station,
Kannagi Nagar
Chennai-600 097
(Crime No.191 of 2023)

.. Respondent

Prayer: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in Crime No.191 of 2023 on the file of the respondent police.

For petitioner : Mr.M.Murugan

For Respondent : Mr.Leonard Aul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.05.2023, in connection with Crime No.191 of 2023 registered for the offences under Sections 22(b) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 13.05.2023, at about 10.30 a.m., near Kannagi Nagar Canal, when the respondent police were on regular patrol, the petitioner along with three other accused, had sold the drugs and on search, 90 Nos. of Nitrovet tablets were recovered from them and the fourth accused had run away from the scene of occurrence. 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 even as per the prosecution, the contraband alleged to have been recovered from the accused, is small



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quantity and the petitioner is in judicial custody from 13.05.2023. He further submitted that the co-accused in this case have been granted bail by this Court in Crl.O.P.No.13644 of 2023 dated 21.06.2023 and Crl.O.P.No.14076 of 2023 dated 23.06.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner along with three other accused, had sold the drugs and on search, 90 Nos. of Nitrovet tablets were recovered from them. Hence, he opposed for grant of bail to the petitioner.

6. 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 a substantial amount to any welfare scheme run by the Government, as may be directed by this Court and that the petitioner 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.



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7. Considered the rival submissions and perused the materials available on record.

8. On considering the voluntary submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of "The Dean/Medical Officer, Government Stanley Medical College and Hospital, Chennai", without prejudice to his rights and contentions before the trial Court.

9. It is made clear that since 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.

10. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the fact that the co-accused in this case have been granted bail by this Court, this Court is inclined to grant bail to the petitioner with certain conditions.



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11. 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)** directly to the credit of "**The Dean/Medical Officer, Government Stanley Medical College and Hospital, Chennai**", 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, (Out of which, one must be a blood related surety either or mother of the petitioner)** for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Alandur** 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;



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[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 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.

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To

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1. The Judicial Magistrate-II,
Alandur
2. Inspector of Police,
T-15, Kannagi Nagar Police Station,
Kannagi Nagar, Chennai-600 097
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN. J.

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