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Crl.O.P.No.15565 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

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

Crl.O.P.No.15565 of 2023

Gowtham @ Chocolate Appu

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
P1 – Pulianthope Police Station,
Chennai.
Crime No.222 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to release the petitioner on bail in respect in Crime No.222 of 2023 on the file of the The Inspector of Police, P1 – Pulianthope Police Station, Chennai.

For Petitioner : Mr.C.Raja

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.05.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) NDPS Act in Crime No.222 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.222 of 2023 for the offences under Sections 8(c), 20(b)(ii)(B) NDPS Act. He further submitted that, petitioner is innocent and he is falsely implicated in this case. Petitioner is in judicial custody from 30.05.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposes this petition, on the ground that, petitioner was found in illegal possession of 1.200 kg of ganja. Petitioner has three previous cases pending against him for other offences and not under NDPS Act. The investigation in this case is pending. Therefore, he prays for dismissal of this bail petition.



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4. Considered the submissions and perused the records.

5. It is seen from the first information allegations that, on 30.05.2023 at about 12.30 p.m., petitioner was found with illegal possession of 1.200 kg of ganja near K.M.Garden Ground Pulianthope. Contraband was recovered from the petitioner. The seized contraband is an intermediate quantity. It appears that, this is the first offence committed by the petitioner under NDPS Act.

5.1. Considering the nature of the allegations made against the petitioner, and that this is the first offence committed by the petitioner and that petitioner is in judicial custody from 30.05.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **X Metropolitan Magistrate, Egmore, Chennai** and on further conditions that :-



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[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 without prejudice to his defence shall deposit a non-refundable sum of Rs.25,000/-, by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that 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.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with



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evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

17.07.2023

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To

- 1.The X Metropolitan Magistrate, Egmore, Chennai.
- 2.The Central Prison,
Puzhal II, Chennai – 600 006.
- 3.The Inspector of Police,
P1 – Pulianthope Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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