

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

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

Crl.O.P.No.18818 of 2023

Jagadeshwaran

...Petitioner

Vs.

The State Rep by its
Inspector of Police,
V-3, J.J.Nagar Police Station,
Chennai.
Crime No.169 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/accused herein on bail in Crime No.169 of 2023 on the file of the respondent/complainant i.e. On the file of the Inspector of Police, V-3, J.J.Nagar Police Station, Chennai.

For Petitioner : Mr.S.Mohan Raj

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.07.2023 for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(c) of NDPS Act in Crime No.169 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent and he is falsely implicated in this case. Petitioner is in judicial custody from 06.07.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, on 06.07.2023 at about 07.30.a.m., respondent police found the accused under suspicious circumstances, near Rathnavel Pandian Road, Golden George Nagar. After following the necessary procedure, accused were searched and they were found in illegal possession of 2.5 kgs of ganja. The contraband was seized and thereafter, the case came to be registered. There is no similar previous case pending against the petitioner.

4. Considering the fact that, the contraband had been and that there is no previous case against the petitioner and that petitioner is in judicial custody from 06.07.2023 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.

5. Accordingly, 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 **Judicial Magistrate, Ambattur** 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 without prejudice to his defence shall deposit a non-refundable sum of

Rs.10,000/-, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F 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 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.

30.08.2023

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Crl.O.P.No.18818 of 2023

G.CHANDRASEKHARAN. J.

sma

To

- 1.The Judicial Magistrate Court,
Ambattur.
- 2.The Inspector of Police,
V-3, J.J.Nagar Police Station,
Chennai.
- 3.The Puzhal Prison Jail,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras

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