



Crl.O.P.No.19167 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

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

Crl.O.P.No.19167 of 2023

Ranjith @ Karuvadu Ranjith

..Petitioner

Vs.

The Inspector of Police,
R-2 Kodambakkam 1 Police Station,
Chennai District.
Crime No.44 of 2023

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.44 of 2023 on the file of the respondent.

For Petitioner : Mr.P.Muthamizhselvakumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.03.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.44 of 2023, on the file of the respondent police seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated on the basis of confessional statement of co-accused in Cr.No.44 of 2023 for the offences under Sections 8(c) r/w 20(b)(ii)(B), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985. There is no recovery of Ganja from him. He is in Judicial Custody from 07.03.2023 and thus, he seeks bail.

3.In response, learned Additional Public Prosecutor submitted that, on 04.03.2023, at about 13.00 hours, on secret information received, the defacto-complainant and Police party mounted surveillance near Subedhargar Garden. They found three persons came in two-wheeler



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bearing No.TN 18 AJ3045. After following necessary procedure, a search was conducted and Ganja weighing 21.700 kg was seized. There were about ten parcels each containing 2kg of Ganja. As per the confessional statement of first accused, this petitioner is implicated. This petitioner is first accused in Cr.No.46 of 2023 registered for illegal possession of 3.8 kg of Ganja. Thus, he opposes this petition.

4.In reply, the learned counsel for the petitioner submitted that the co-accused in this case had been released on bail by this Court in Crl.O.P.No.12941 of 2023 and Crl.O.P.No.13118 of 2023. He further submitted that petitioner was also granted bail in Cr.No.46 of 2023 in Crl.M.P.No.4491 of 2023 by the Principal Special Court under EC and NDPS Act, Chennai.

5.Considered the rival submissions and perused the records.

6.It is seen from the submission of the learned counsel appearing for parties that this petitioner is implicated in this case on the basis of confessional statement of first accused. There is no recovery of Ganja



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from this petitioner in this case. Co-accused had been granted bail in this case. Petitioner was also granted bail in Cr.No.46 of 2023. Petitioner is in judicial custody from 07.03.2023 and that material part of investigation might have been completed by this time. Thus, this Court is inclined to grant bail to the petitioner.

7. 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 **Principle Special Court under EC and NDPS Act, 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 daily morning at 10.00.a.m., evening at 5.00 p.m. until further orders.

[c] the petitioner shall not abscond either during



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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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

23.08.2023

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To

- 1.The Principle Special Court under EC and NDPS Act,
Chennai.
- 2.The Inspector of Police,
R-2 Kodambakkam 1 Police Station,
Chennai District.
- 3.Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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