



Crl.O.P.No.19607 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

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

Crl.O.P.No.19607 of 2023

Nagaraj

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
NIB-CID,
Chennai.
Crime No.11 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the case pending investigation in Crime No.11 of 2023 on the file of the respondent police NIB-CID Police.

For Petitioner : Mr.R.Thamarai Selvan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.06.2023 for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(c) of NDPS Act in Crime No.11 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. He further submitted that, there is no recovery of contraband from the petitioner. Petitioner was implicated on the basis of the confessional statement of the co-accused ie., 1st accused in this case. Petitioner is in judicial custody from 20.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, on 06.03.2023 at about 12.30.p.m., based on the secret information received, 1st accused was apprehended at Perambur Railway Station for possession of 36 kgs of ganja and 2nd accused was found in possession of 2 kgs of ganja. There is no recovery of ganja from this petition. There is no similar previous case pending against the



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petitioner.

4. Considering the fact that, petitioner is implicated based on the confessional statement of the co-accused and there is no recovery of ganja from the petitioner and that there is no previous case against the petitioner and that petitioner is in judicial custody from 20.06.2023 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 XVI Metropolitan Magistrate, George Town, 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 without prejudice to his defence shall deposit a non-refundable sum of



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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.



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[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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G.CHANDRASEKHARAN. J.

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To

- 1.The learned XVI Metropolitan Magistrate,
George Town, Chennai – 01.
- 2.The Inspector of Police,
NIB-CID,
Chennai.
- 3.The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

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