



Crl.OP.Nos.20605 and 20615 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

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

Crl.OP.Nos.20605 and 20615 of 2023

Subramani @ Ezhumalai ...Petitioner in Crl.O.P.No.20605 of 2023

Sakthi ...Petitioner in Crl.O.P.No.20615 of 2023

Vs.

State Rep. By
The Inspector of Police,
C5, Oragadam Police Station,
Kanchipuram District.
Crime No.465 of 2023
in both Crl.O.P's

...Respondent

PRAYER in Crl.O.P.No.20605 of 2023:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.465 of 2023 on the
file of the respondent C5, Oragadam Police Station.

For Petitioner : Mr.B.M.Santharam

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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PRAYER in Crl.O.P.No.20615 of 2023:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.465 of 2023 on the file of the respondent C5, Oragadam Police Station.

For Petitioner : Mr.M.Mahendran

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.07.2023 for the offences punishable under Sections 8(c), r/w. 20(b)(ii)(B) of NDPS Act in Crime No.465 of 2023, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in a case registered for the offences under Sections 8(c), r/w. 20(b)(ii)(B) of NDPS Act in Crime No.465 of 2023. Petitioner is in Judicial Custody from 16.07.2023. Thus, he seeks bail to the petitioner.



3. In response, learned Additional Public Prosecutor submitted that, on 16.07.2023 at about 11.00.a.m., based on the secret information received, defacto complainant along with the police party, mounted surveillance at Mettupalayam and they found the accused in suspicious circumstances. After following necessary procedure, search was conducted and they found a plastic cover containing 1.1 kgs of ganja. Ganja. He further submitted that, apart from this case, there is no other similar previous case pending against the petitioners. However, he opposed for grant of bail to the petitioners.

4. Considering the fact that the contraband and the vehicle involved had been seized and this is the first case registered against the petitioners under NDPS Act and the petitioners are in Judicial Custody from 16.07.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail on their 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 **Judicial Magistrate, Sriperumbudur** 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 petitioners without prejudice to his defence shall deposit a non-refundable sum of Rs.10,000/-each, 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 petitioners 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.



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

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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G.CHANDRASEKHARAN. J.

Sma

To

1. Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police,
C5, Oragadam Police Station,
Kanchipuram District.
3. Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras

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