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CrI.OP.No.21120 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2023

CORAM

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

CrI.OP.No.21120 of 2023

Manikandan @ Thiruttu Mani

..Petitioner

Vs.

The State Rep. By  
The Inspector of Police,  
V-3, J J Nagar Police,  
Chennai District.  
Crime No.220 of 2022

...Respondent

**PRAYER:**

Criminal Original Petition is filed under Section 439 of Cr.P.C.  
praying to enlarge the petitioner on bail in Crime No.220 of 2022  
pending on the file of the respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.S.Rajakumar  
Additional Public Prosecutor



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**ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 16.10.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act, 1985 in Crime No.220 of 2022, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in this case on the basis of the confessions statement of the co-accused. In connection with Crime No.338 of 2022 on the file of the Aminjikarai Police Station under Section 307 of IPC. Petitioner was in Judicial Custody from 16.10.2022. He was produced on PT warrant in this case. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, on 13.06.2022, defacto complainant received a secret information that some persons were possessing ganja in a car and bike. Therefore, defacto complainant along with the police party, mounted surveillance near water company opposite to Industrial Estate at J.J Nagar and found four persons in a suspicious circumstances. There was a car and bike near



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them. On seeing the police party, three persons, out of four persons had escaped and one Vincent was apprehended. On enquiry, it was found that, persons who escaped were 1. Moorthy @ Round Building Murthy 2. Manikandan @ Thiruttu Mani 3. Dappa Karthick. After following necessary procedure, search was conducted and they was found in possession of 4.100 kgs of Ganja in two packets in the dickey of the car. Ganja, Bike and the Car were seized. Petitioner is A4, who is one of the persons who ran away from the place where Vincent was apprehended. Petitioner has involved in another similar previous case.

4. Considered the rival submissions and perused the records. From the submissions of the learned counsel appearing for the parties and the FIR allegations, this Court finds that, there was no recovery of the contraband made from this petitioner. Petitioner is implicated based on the confessional statement of the co-accused. Petitioner is in Judicial Custody from 16.10.2022. Material part of the investigation might have been over by this time. Thus, this Court is inclined to grant bail to the petitioner.



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5. Accordingly, 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 Principal 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 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



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**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 10.00.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.

**13.09.2023**

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**G.CHANDRASEKHARAN. J.**

Sma

To

1. Principal Special Court under EC and NDPS Act, Chennai
- 2.The Inspector of Police,  
V-3, J J Nagar Police,  
Chennai District.
- 3.Central Prison,  
Puzhal.
- 4.The Public Prosecutor,  
High Court of Madras

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