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Crl.O.P.No.21923 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.21923 of 2023

1.Sureshbabu @ Sanjai
2.Kaviyarasan

...Petitioners

Vs.

State Rep by
The Inspector of Police,
Villupuram Taluk, Police Station,
Villupuram District.
Crime No.730 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail in Crime No.730 of 2023 pending investigation on the file of the respondent.

For Petitioner : Mr.A.Gowtham

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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CrI.O.P.No.21923 of 2023

ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.08.2023 for the offence punishable under Sections and 8(c), 20(b)(ii)(B) NDPS Act in Crime No.730 of 2023 on the file of the respondent police, seek bail.

2. Learned counsel for the petitioners submitted that, petitioners are falsely implicated as an accused for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act in Crime No.730 of 2023. Petitioners are in Judicial Custody from 24.08.2023. Thus, he seeks bail to the petitioners.

3. In response, learned Additional Public Prosecutor submitted that, on 24.08.2023, on secret information received, *de-facto* complainant along with police party mounted surveillance near Villupuram new bus stand. At about 04.30 a.m., one person was transferring two parcels to three persons, who came in two wheeler bearing No.TN32BA9526. The police party apprehended them and on enquiry, it was found that they are one Sanjay @ Sureshbabu, Kaviyarasan, Rajiputhin. They received the contraband from one Pintu Nayak. After following necessary procedure, a



Crl.O.P.No.21923 of 2023

search was conducted. The parcels possessed by Sanjay and Kaviyarasan weighed 2.500 kgs of ganja each. Necessary samples have been taken and case came to be registered. Thus, he prays for dismissal of this petition.

4. Considered the rival submissions and perused the records.

5. It is seen from the submission that, the petitioners had received ganja weighing 2.500 Kgs each from the accused Pintu Nayak. This is the first case registered against the petitioners under NDPS Act. Petitioners are in judicial custody from 24.08.2023 and material part of the investigation might have been over by this time.

6. Considering all these facts, this Court is inclined to grant bail to the petitioners with conditions and the petitioners are ordered to be released on bail on their executing a separate 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 **Special Court for trial of Narcotic Drugs and Psychotropic Substances Act cases, Villupuram** and on further conditions that :-

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



Crl.O.P.No.21923 of 2023

Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners without prejudice to their 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 their guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioners shall report before the respondent police everyday 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.



Crl.O.P.No.21923 of 2023

[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.

27.09.2023

mpl



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Crl.O.P.No.21923 of 2023

G.CHANDRASEKHARAN, J.

mpl

To

- 1.The Special Court for trial of Narcotic Drugs and Psychotropic Substances Act cases, Villupuram.
- 2.The Inspector of Police, Villupuram Taluk, Police Station, Villupuram District.
- 3.The District Jail, Vedampattu (Villupuram District).
- 4.The Public Prosecutor, High Court of Madras.

Crl.O.P.No.21923 of 2023

27.09.2023