



Crl.O.P.No.21731 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.21731 of 2023

S.Madhan

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
PEW Washermenpet Police Station,
Chennai.
Crime No.,241 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/accused in Crime No.241 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.S.Raghuman

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.08.2023 for the offence punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.241 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.241 of 2023. Petitioner is in Judicial Custody from 19.08.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, defacto complainant, on secret information received on 19.08.2023, mounted surveillance near Tondiarpet Railway Station. At about 13.20 hours, accused Madhan was found with a yellow colour bag under suspicious circumstance. After following necessary procedure, a search was conducted. During search, respondent police found two parcels in the bag. On opening the bag, it was found that, they contain ganja. Ganja weighing 2 kgs each was found in both the parcels, totally there was 4



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kgs of ganja. Ganja had been seized and the case came to be registered.

This is the first case registered against the petitioner under NDPS Act.

Thus, he prays for dismissal of this petition.

4. Considering the fact that, ganja had been seized in this case and that, this is the first case registered against the petitioner under NDPS Act and that petitioner is in judicial custody from 19.08.2023 and that material part of the investigation might have been completed, this Court is inclined to grant bail to the petitioner with conditions and 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 District and Session Judge 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



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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 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



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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.

21.09.2023

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To

- 1.The Principal District and Session Judge under EC and NDPS Act, Chennai.
- 2.The Inspector of Police,
PEW Washermenpet Police Station,
Chennai.
- 3.The Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.



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