



WEB COPY



Crl.O.P.No.21938 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.21938 of 2023

Vinoth Raja @ Central Raja

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
K3, Aminjikarai Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.157 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.C,Jagan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER



Crl.O.P.No.21938 of 2023

The petitioner, who was arrested and remanded to judicial custody on 18.05.2023 for the offences punishable under Section 8 (c) r/w 20 (b) (ii)(B), 29(1) of NDPS Act in Crime No.157 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner that petitioner is falsely implicated as accused in Crime No.157 of 2023 for the offences under Section 8 (c) r/w 20 (b) (ii)(B), 29(1) of NDPS Act. Petitioner is in judicial custody from 18.05.2023. Thus, he seeks bail.

3. In response, the learned Additional Public Prosecutor submitted that, on 18.05.2023, on the basis of secret information, defacto complainant along with Police party mounted surveillance near Aminjikarai Suburayan Street near Government School and College. At about 8.00 a.m., they found two persons in suspicious circumstance. On seeing the police, they tried to escape, however, police party apprehended them and they are one Narash Kumar and Vinoth Raja @ Central Raja. After following necessary procedure, a search was



Crl.O.P.No.21938 of 2023

conducted. The accused Narash Kumar produced white colour polythene bag with 25 small plastic packets. It was found that the contents of packet is ganja and it totally weighed 4.21 kgs. Ganja had been recovered and accused have been arrested and then remanded to judicial custody. Thus, he opposed this petition.

6.Considering the fact that, ganja had been recovered in this case and though petitioner has some criminal case registered against him under IPC, this is the 1st case registered against the petitioner under NDPS Act and that he is in judicial custody from 18.05.2023 and that material part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

7. Accordingly, 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 Judge for NDPS Act EC Act** and on further conditions that :-



Crl.O.P.No.21938 of 2023

[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 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



Crl.O.P.No.21938 of 2023

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.

25.09.2023

gd

To

1.The Principal Special Judge for NDPS and EC Act

2.Puzhal 2.

3.The Inspector of Police,
K3, Aminjikarai Police Station,
Chennai.

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.21938 of 2023

G.CHANDRASEKHARAN. J.

gd

Crl.O.P.No.21938 of 2023

25.09.2023