



Crl.O.P.No.21941 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.21941 of 2023

Rajiputhin

...Petitioner

Vs.

The 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 petitioner on bail pending investigation in Crime No.730 of 2023 pending on the file of the respondent.

For Petitioner : Mr.G.Mageshkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.08.2023 for the offence punishable under Sections 20(b)(ii)(B) and 8(c) NDPS Act in Crime No.730 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 Sections 20(b)(ii)(B) and 8(c) NDPS Act in Crime No.730 of 2023. It is his further submission that, there is no recovery of any contraband from him. Petitioner is in Judicial Custody from 24.08.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, on 24.08.2023, on secret information received, defacto 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



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contraband from one Pintu Nayak. After following necessary procedure, a 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, petitioner is the 3rd accused in this case. The allegation against him is that, he was in the place with other accused when ganja was transferred by accused Pitu Nayak to Kaviyarasan. There is no recovery made from this petitioner. Ganja recovered is an intermediate quantity. Petitioner is in judicial custody from 24.08.2023 and material part of the investigation might have been over by this time. Considering all these facts, 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



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sum to the satisfaction of the **learned Judicial Magistrate-I, Villupuram** 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 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



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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 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

G.CHANDRASEKHARAN. J.

