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Crl.O.P.No.28988 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28988 of 2024

Sai Balaji

... Petitioner

Vs.

State: represented by,
The Inspector of Police,
R-7, K.K.Nagar Police Station,
Chennai District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail, in Crime No.209 of 2024, on the file of the Inspector of Police, R-7, K.K.Nagar Police Station, Chennai District.

For Petitioner : Mr.R.Muthukumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 28.09.2024, seeking bail in Crime No.209 of 2024 registered for the offence under Sections 8(c), 22(b), 29(1)



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and 25 of NDPS Act.

2.The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 42 grams of Methamphetamine. Hence the case.

3.The learned counsel appearing for the petitioner submitted that the allegation against the petitioner is false and he is in custody from 28.09.2024 and that no previous case is pending against the petitioner. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police while opposing for grant of bail to the petitioner submitted that the petitioner/A2 along with other accused was found in illegal possession of 42 grams of Methamphetamine. He further submitted that there is no previous case pending against the petitioner.

5.At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and



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willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of bail to the petitioner.

6.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record, including the counter affidavit filed by the respondent.

7.On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non refundable deposit to "**The Director, Institute of Mental Health, Kilpauk, Chennai**", without prejudice to his rights and contentions before the trial Court.

8.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.



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9. Taking into consideration the facts and the submissions made by the learned counsel appearing for the parties, taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioners with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of "**The Director, Institute of Mental Health, Kilpauk, Chennai**", without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **XXIII Metropolitan Magistrate, Saidapet, 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 shall report before the respondent Police, everyday at 06.30 p.m., until further



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orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

20.11.2024

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A.D.JAGADISH CHANDIRA,J.
sai

To

1.The XXIII Metropolitan Magistrate, Saidapet,
Chennai.

2.The Inspector of Police,
R-7, K.K.Nagar Police Station,
Chennai District.

3.The Superintendent,
Central Prison, Puzhal,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

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Dated: 20.11.2024