



Crl.O.P.No.30944 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM

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

Crl.O.P.No.30944 of 2024

Chinnasamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
(Crime No.244 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with Crime No.244 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.Gunasekar

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

ORDER

Petition seeking bail in respect of Crime No.244 of 2024 registered for the offences punishable under Sections 8(c), 20(b) (ii) (A) & 8 (b) read with Section 20 (a) (i) of NDPS Act, 1985 is on board for consideration.



CrI.O.P.No.30944 of 2024

WEB COPY

2. The incarceration of the petitioner being from 10.10.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/- to any welfare scheme of the Government or any other organization. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner along with other accused was found to be in illegal possession of 180 Cannabis Plants (totally weight 8kg).

4. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the "Tamil Nadu Social Welfare Association Online donation S.B. A/C.No.1040101021223, Canara Bank, Arumbakkam Branch. HDFC Bank, Nelson Manickam Road, S.B.A/C No.50100000788448.



CrI.O.P.No.30944 of 2024

Google pay: 7449247213.", without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5. Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is are ordered to be released on bail on them executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)**, with **two sureties**, each for a like sum to the satisfaction of the learned **Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act, Villupuram (FAC)** 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 10.30.a.m., until further orders;

[c] the petitioner shall not abscond either during



CrI.O.P.No.30944 of 2024

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 of B.N.S.

12.12.2024

av



CrI.O.P.No.30944 of 2024

WEB COPY

To

1. The learned Special Court,
Narcotic Drugs and Psychotropic Substances Act,
Villupuram (FAC)
2. The Inspector of Police,
Kariyalur Police Station,
Kallakurichi District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.30944 of 2024

A.D.JAGADISH CHANDIRA.,J.

av

Crl.O.P.No.30944 of 2024

12.12.2024