



Crl.O.P.No.31101 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

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

Crl.O.P.No.31101 of 2024

Johnson @ Johnsa

... Petitioner

Vs.

State, represented by
The Inspector of Police,
E-5 Sholavaram Police Station,
Chennai.
Crime No.1078 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Crime No.1078 of 2024 on the file of the respondent police.

For Petitioner : Mr.P.Santhosh

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

ORDER

This Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 08.11.2024, seeking bail in Crime No.1078 of 2024 registered for the offence under Sections 8(c) r/w 20(b)(ii)(B) and



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29(1) of the NDPS Act, 1985, is on board for consideration.

2.The case of the prosecution is that the petitioner along with co-accused found in possession of 1.300 Kgs. of Ganja for sale and the Contraband had been seized by the respondent police. Hence, the case.

3.The incarceration of the petitioner being from 08.11.2024 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 he is no way connected with this case. He also 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 further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

4.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 co-accused found in possession of 1.300 Kgs. of Ganja for sale and the Contraband had been seized by the respondent police. He further submits that the petitioner herein is having 9



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previous cases out of which one NDPS case are against the petitioner.

5.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 **"Manonmani Trust, Account Number 9945983362, IFSC Code : KKBK0000469., Kotak Mahindra Bank, Anna Nagar Branch, (Home for needy in the name of Anbagam at Thirukandalam Village, Thiruvallur District)"** without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

6.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, this court is inclined to grant bail to the petitioner/ with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, out of which, one surety must be the father or mother of the petitioner, each for a like sum to the satisfaction of the learned **XIV Metropolitan Magistrate at Egmore, Chennai**, and on further conditions that:



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[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 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.

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To

- 1.The XIV Metropolitan Magistrate at Egmore, Chennai.
- 2.The Inspector of Police,
E-5 Sholavaram Police Station,
Chennai.
- 3.The Superintendent,
Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.
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