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Crl.O.P.No.31221 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.31221 of 2024

Vignesh

... Petitioner

Vs.

State, represented by
The Inspector of Police,
V1 Villivakkam Police Station,
Chennai.
Crime No.669 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Crime No.669 of 2024, pending investigation before the respondent.

For Petitioner : Mr.R.C.Paul Kanagaraj

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 23.11.2024, seeking bail in Crime No.669 of 2024 registered for the offence under Sections 8(c), 20(b)(ii)(A) of the NDPS Act, and further it was altered under Section 8(c) r/w 20(b)(ii)(B), 25, 29(1)



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of the NDPS Act, is on board for consideration.

2.The case of the prosecution is that on 23.11.2024 at about 11.15 a.m., the petitioner was in possession of 20gms. of Ganja and the contraband has been seized by the respondent police. Hence, the case.

3.The incarceration of the petitioner being from 23.11.2024 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 the respondent had cooked up some fake stories and further allegedly added 1.280 Kgs of ganja in this case and there is nothing mentioned about the alleged seizure of 1.280 Kgs of Ganja in the FIR. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of **Rs.10,000/-** 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



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grant of bail, is that on 23.11.2024 at about 11.15 a.m., the petitioner was in possession of 20 gms, and he has been arrested by the respondent police. Based on his confession statement the respondent seized 1.280 Kgs. of Ganja..

5.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)** 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



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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 **XIII Metropolitan Magistrate, Egmore, 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 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



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under Section 269 of B.N.S.

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To

- 1.The XIII Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
V1 Villivakkam Police Station,
Chennai.
- 3.The Jail Authority,
Sub Jail,
Saidapet.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.
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