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Crl.O.P.No.31562 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31562 of 2024

Dhaya @ Dhayanithi
S/o. Subbaramani, No.317, North Street, Vallam
Village and Post, Thiruvannamalai Taluk and
District.

Petitioner(s)

Vs

The State Rep.By
The Inspector of Police, Padalam Police Station,
Chengalpattu District. Crime No.309 of 2024

Respondent(s)

For Petitioner(s):

R.Parthiban
M.Shimiyon Edwin
P. Agnes Samantha Ophelie

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.309 of 2024, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that, based on a secret information, the respondent police went to the spot and found that the petitioner and other accused persons were involved in illegal possession of 1.25 kilograms of ganja. On seeing the police, the accused persons tried to ran away from the place, however, one of the accused was caught by the respondent and upon his confession, the petitioner herein has been arrayed as an accused. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has not committed any offence and falsely implicated in this case, based on the confession of the co-accused. He would further submit that no contra band substances were seized from the petitioner and the petitioner has no previous NDPS case and also the petitioner without prejudice to his contentions is prepared to deposit an amount of Rs.5,000/- towards any charitable organization or association and also ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the



respondent police opposed for granting of anticipatory bail to the petitioner, stating that the co-accused was found in possession of 1.25 kilograms of Ganja and based on his confession, it is found that the petitioner is also involved in purchase and selling of ganja. He would further submit that the petitioner has five previous cases but has no NDPS case.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioners may be directed to deposit a sum of Rs.5,000/- (Rupees Five Thousands only) to the credit of "**Charu Home for Aged**" without prejudice to his rights and contentions before the trial Court.

7. It is made clear that merely because the petitioner is depositing



the amount, it would not amount to the petitioner admitting his guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioner.

8. Accordingly, the petitioner shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousands only)** by way of Demand Draft/RTGS/NEFT to the credit of the **Charu Home for Aged, Account Number : 2771201000291, IFSC Code : CNRB0002771, Canara Bank, Mahila Br., T.Nagar, Chennai - 17**, and on such deposit and on receipt of proof of payment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate No.II, Maduranthagam* of Rs.10,000/- (Rupees Ten Thousands only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] the petitioner and 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.

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[b] the petitioner shall report before the respondent police everyday at 10:30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

18.12.2024

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A.D. JAGADISH CHANDIRA, J.

stn

To

1. The State Rep.By
The Inspector of Police,
Padalam Police Station,
Chengalpattu District.
Crime No.309 of 2024

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