



WEB COPY



Crl.O.P.No.32391 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.12.2024

CORAM

THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

Crl.O.P.No.32391 of 2024

Saravanan Kumar @ Gate Saravana @ Saravanan ... Petitioner

Vs.

The State represented by

The Inspector of Police,

H-8, Thiruvottiyur Police Station,

Chennai.

... Respondent

(Crime No.1068 of 2024)

Prayer: Criminal Original Petition filed under Section 439 of BNSS pleased to enlarge the petitioner on bail in connection with the Crime No.1068 of 2024 on the file of the respondent Police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER



Crl.O.P.No.32391 of 2024

WEB COPY

The Petitioner, who was arrested by the respondent police on 25.11.2024 for the alleged offence punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act in Crime No.1068 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.09.2024, the petitioner was found to be in illegal possession of about 1.500 kgs of ganja. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would submit 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. Hence, he prayed bail for the petitioner.



Crl.O.P.No.32391 of 2024

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused is in possession of about 1.500 kgs of ganja. He further submits that there are six previous cases, similar in nature, pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. 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) as non-refundable deposit, to the credit of **Manolaya, Home for Mentally Ill Destitute, Bank Name: Indian Overseas Bank, Branch: Kottaram, IFSC Code: IOBA0000253, Account Name: Manolaya, Account No.025302000000284, UPI ID: 6379484925@okbizicici, Gpay:9443307196**, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



Crl.O.P.No.32391 of 2024

WEB COPY

7. Considering the representation made by the learned counsel on either sides, nature of offence, though the quantity of contraband involved is about 1.500 kgs of ganja, the said contraband was recovered by the respondent police, considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate Court, G T, Chennai and on further conditions that :-

[a] the petitioner shall report before the respondent police, everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[b] the petitioner shall not commit any offences of similar nature.

[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.



Crl.O.P.No.32391 of 2024

[e] On breach of any of the aforesaid conditions, the learned Judicial 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 BNS.

27.12.2024

skr/dpa



WEB COPY



Crl.O.P.No.32391 of 2024

L.VICTORIA GOWRI,J.
skr/dpa

To

1. The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.
3. learned XV Metropolitan Magistrate Court, G T, Chennai
- 4.The Superintendent,
Central Prison, Puzhal-II, Chennai

Crl.O.P.No.32391 of 2024

27.12.2024