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Crl.O.P.No.2885 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.2885 of 2025

Deenayalan @ Deena
S/o.Chandiran

...Petitioner/Accused-3

Vs.

State through
The Inspector of Police,
E-5, Sholavaram Police Station,
Chennai.

(Crime No.349 of 2024)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.349 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Jaganathan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 20.12.2024, seeking bail



in Crime No.349 of 2024 registered for the offence under Sections 8(c) r/w 20(b)(ii)(B) and 29(1) of NDPS Act, 1985.

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2.The case of the prosecution is that the petitioner along with the other accused, was found to be in illegal possession of 1.200 kgs of Ganja. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case and that only based on the confession statement of A1, this petitioner has been implicated in this case. He further submitted that the petitioner is in custody from 20.12.2024 and he is ready to abide by any stringent condition that may be imposed by this Court. He further submitted that co-accused have been released on bail. Hence, he prays for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner along with the other accused, was found to be in illegal possession of 1.200 kgs of Ganja. He further submitted that the



petitioner is having six previous cases against him and that co-accused have been released on bail.

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5.At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization.

6.On 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) as non refundable deposit to "District Legal Services Authority, Chennai", without prejudice to his rights and contentions before the trial Court. Merely because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



8. Considering the fact that A1 and A2 have been released on bail and that no recovery has been made from the petitioner and sought to be implicated on the confession of A1 and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of "**District Legal Services Authority, Chennai**", without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof, 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**, each for a like sum to the satisfaction of the **Judicial Magistrate Court II, Ponneri**, 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;

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[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 B.N.S.

06.02.2025

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Copy to:

1.The Inspector of Police,
E-5, Sholavaram Police Station,
Chennai.



2.Judicial Magistrate Court II, Ponneri.

3.The Superintendent of Prison,
Central Prison, Puzhal II, Chennai.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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