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Crl.O.P.No.3763 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3763 of 2025

Siva

... Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
H-3 Tondiarpet Police Station,
Chennai.
(Crime No.63 of 2025)

... Respondent

PRAYER: This Criminal Original Petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.63 of 2025 on the file of the respondent police.

For Petitioner : Mr.J.William Shakesphere

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 15.01.2025, seeking bail



in Crime No.63 of 2025 registered for the offences punishable under Sections 8(c), 20(b)(ii)(B), 25, 29(1) of NDPS Act, 1985.

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2.The case of the prosecution is that based on the secret information, the respondent police conducted a search at PWD quarters, Tondiarpet, wherein they found that the petitioner along with other accused is in illegal possession of 2kgs and 500 grams of ganja. Hence, the complaint.

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 further submitted that the petitioner is in custody from 15.01.2025 and he is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the petitioner along with other accused was found to be in illegal possession of 2.500 kilograms of Ganja, which is an intermediate quantity. He further submitted that the petitioner has one



previous case, similar in nature, pending against him. Hence, he opposed for grant of bail to the petitioner.

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5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.25,000/- to any welfare scheme run by the Government. Hence, he prayed for grant of bail to the petitioner.

6. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital and Research Institute, Regional Centre, Kanchipuram** without prejudice to his rights and contentions before the trial Court.



8. Merely, because the petitioner has deposited 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.

9. Taking into consideration the facts of the case and the submissions made by the learned counsel and taking note of the fact that the alleged contraband said to have recovered from the petitioner is an intermediate quantity and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** directly by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital and Research Institute, Regional Centre, Kanchipuram** 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.10,000/- (Rupees Ten thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of the **learned XXIII Metropolitan Magistrate, Saidapet, Chennai-15**, 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. and 6.30 p.m, for a period of 30 days;

[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]***;



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G.K.ILANTHIRAIYAN, J.

drl

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

14.02.2025

drl

Copy to:

- 1.The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Superintendent,
Central Prison, Puzhal. Chennai.
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector of Police,
H-3 Tondiarpet Police Station,
Chennai.

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