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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24530 of 2021

1.Kalith
2.Sikkandar

...Petitioners

Vs.

The State rep. by
The Inspector of Police
Veppanapalli Police Station,
Krishnagiri District.
(Crime No.214 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners pending investigation in Crime No.214 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 17.11.2021 for the offences under Section 8(c) r/w 20 (b) (ii) (B) of NDPS Act 1985, in Crime No.214 of 2021 on the file of the respondent police seek bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police officials were conducting vehicle check up, they found that the petitioners were found in illegal possession of 1kg and 100gms of Ganja by using two wheeler. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioners, on their



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own volition, are ready and willing to contribute a sum of Rs.10,000/- to any Charitable Purpose as may be directed by this Court. He further submits that the petitioner has been suffering incarceration for more than 60 days from 17.11.2021. Hence, he seeks grant of bail to the petitioner.

4. The learned Government Advocate appearing for the respondent raised objection stating that the contraband goods were recovered from the petitioners and there is no previous case is pending as against the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners and the petitioners have willfully and on their own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the *learned Judicial Magistrate No.II, Krishnagiri,,* on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand 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 bail shall stand dismissed and on further condition that:

(a) the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) Registered Advocate Clerks Association, Krishnagiri, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

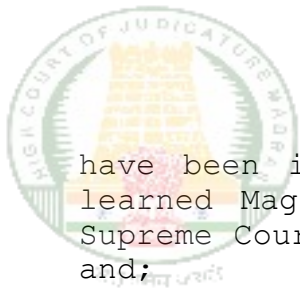
(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police station daily at 10.30 a.m, until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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 are 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]; and;

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(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

22/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VEPPANAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

5 THE REGISTERED
ADVOCATECLERKS ASSOCIATION,
KRISHNAGIRI DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary charges

CRL OP.24530/2021

Date :22/12/2021

CSK 23/12/2021