



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION Nos.12328 & 12329 of 2022

K.SUBRAMANI [PETITIONER/ACCUSED IN CRL.OP.NO.12328/2022]

R.KUMAR [PETITIONER/ACCUSED IN CRL.OP.NO.12329/2022]

Vs

THE STATE REP BY ITS, [RESPONDENT IN BOTH THE PETITIONS]
THE INSPECTOR OF POLICE,
ADIYAMANKOTTAI POLICE STATION,
DHARMABURI DISTRICT
CR.NO.123 OF 2022. respectively

For Petitioner : M/S M.SENTHAMIZH SELVAN Advocate
[IN BOTH THE PETITIONS]

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR
[IN BOTH THE PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.Nos.12328 & 12329 of 2022, who were arrested and remanded to judicial custody on 07.04.2022 for the alleged offences under Sections 8 (c) r/w 20(b) (ii) (B), 25, 29 (1) of NDPS Act, 1985 in Crime No.123 of 2022 on the file of the respondent police, seek bail.

2. The contention of the petitioners is that while A1 was riding his bike he was intercepted and arrested by foisting a case as though he was carrying Ganja for about 1kgs and 100 gms and under his confession A2 was also arrested for the purpose of statistics. Hence, the above petitions are filed.

3. Learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners have no previous case and they are suffering incarceration from 07.04.2022. Hence, he seeks bail to the petitioners.



4. Learned Additional Public Prosecutor submits that the petitioners are peddles who have been selling Ganja and causing menace to the society. He further submitted that on the arrest of the petitioners, Ganja has been recovered from them. However, he seriously objected for grant of bail to the petitioners.

5. In view of the period of incarceration suffered by the petitioners and further the petitioners have no previous case, this Court is inclined to grant bail.

6. In view of the period of incarceration suffered by the petitioners and further the petitioners have no previous case, this Court is inclined to grant bail to the petitioners subject to stringent conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned Judicial Magistrate II, Dharmapuri, 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter as when required.

[c] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness 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 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

25/05/2022

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ADIYAMANKOTTAI POLICE STATION,
DHARMABURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to SREE KAANCHEE THAMIZH ASSOCIAT Advocate on payment of
necessary charges

CRL OP.Nos.12328 & 12329/2022

Date :25/05/2022

RVR 26/05/2022