



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

Monday, the Sixth day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.12641 of 2022

1 P.MANIKANDAN
2 PEUMAL

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
ROYAKOTTAI POLICE STATION,
KIRSHNAKIRI DISTRICT
CRIME NO.80/2022

[RESPONDENT]

For Petitioner : M/S. P.MUTHAMIZHSELVAKUMAR Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 03.04.2022 for the offence under Sections 8(b), 20(a)(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985, r/w Section 328 of IPC, in Crime No.80 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that based on the secrete information, the respondent went to the petitioners' garden in which, they cultivated seven Ganja plants in between the ground of bitter plants. Hence, the case was registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners . He would also submit that the petitioners were arrested and remanded to judicial custody on 03.04.2022. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners are the owners of the garden and they cultivated seven Ganja plants in between the bitter plants, weighing about 7 Kg. Hence, he vehemently opposed to grant bail to the petitioners.



5. Even according to the case of the prosecution, the petitioners cultivated seven Ganja plants weighing about 7 Kg and the same was weighed immediately after removal from the garden. Considering the above facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Additional District Judge & Presiding Officer, Special Court under EC & NDPS Act cases, Salem, 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 twice at 10.30 a.m., and 5.30 p.m., until further orders.

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

[d] the petitioners 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 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].

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

-sd/-

06/06/2022

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 ADDITIONAL DISTRICT JUDGE & PRESIDING OFFICER,
SPECIAL COURT UNDER EC & NDPS ACT CASES, SALEM

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 INSPECTOR OF POLICE,
ROYAKOTTAI POLICE STATION,
KIRSHNAKIRI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges Sr.8499

CRL OP.12641/2022

Date :06/06/2022

RVR 07/06/2022