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Crl.OP.No.16019 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.16019 of 2022

1.Ravi
2.Munisamy

...Petitioners

Vs.

State by:-
The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
(Crime No.84 of 2022)

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to grant bail to the petitioners pending investigation in Crime No.84 of
2022 on the file of the respondent Police.

For Petitioners	: M/s.M.Jayachandran
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioners/A1 & A2, who were arrested and remanded to
judicial custody on 30.03.2022 for the offences punishable under Sections
8(C) r/w 20(b)(ii), (B) of NDPS Act 1985 in Crime No.84 of 2022 on the file
of the respondent police, seek bail.



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2. The case of the prosecution is that the petitioners herein were found in possession of 2 kgs of Ganja. Hence, the case.

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 30.03.2022. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners were found in possession of 2 kgs of Ganja. Hence, he vehemently opposed grant of bail to the petitioners.

5. Considering the above facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioners. Accordingly, the each of the petitioners shall deposit a sum of Rs.20,000/-(Rupees Twenty Thousand only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and on such deposit 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,



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each for a like sum to the satisfaction of the learned Judicial Magistrate, Denkanikottai 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] each of the petitioners shall deposit a sum of Rs.20,000/-(Rupees Twenty Thousand only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the 1st petitioner shall stay at Chennai and report before the Inspector of Police, Egmore Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m., until further orders. The 2nd petitioner shall stay at Perambalur and report before the Inspector of Police, Perambalur Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m., until further orders.

[d] 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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

11.07.2022

mpl

To

- 1.The Judicial Magistrate,
Denkanikottai.
- 2.The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
- 3.Central Jail,
Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

mpl

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