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Crl.OP.No.18259 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM

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

Crl.OP.No.18259 of 2022

Ayyakkannu

...Petitioner

Vs.

The State

Rep. by Inspector of Police,
Sankarapuram Police Station.

(Cr. No.678/ 2021)

Villupuram District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners/accused on bail in Crime No.678/2021
on the file of Sankarapuram Police Station, Sanakarapuram, Kallakurichi
District.

For Petitioner : Mr.K.Venkatapathy

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 15.07.2021 for the offences punishable under Sections 8(c),
8(b), 20(b), 11(A), 20(s)(1) of NDPS Act and 24(1) COTPA Act, 2003 in



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crime No.678 of 2021 on the file of the respondent police, seeks bail.

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2. It is the case of the prosecution that petitioner herein is alleged to have found in possession of 5 Kgs of Ganja. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he was working as an agriculture labourer and he has been made a scape goat by the land owner and he had no knowledge about the cannabis plant alleged to have been raised in the said land. He further submitted that the detention order of the petitioner was set-aside by this Court vide Order dated 28.06.2022 in HCP No.47/2022 and the petitioner is facing only the ground case that is pending against him in Spl. Case No.18/2021 in the Special Court for Trial Narcotic Drugs and Psychotropic Substances Act Cases at Villupuram. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 5 Kgs of Ganja and there is no previous case pending against the petitioner.



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5. The petitioner was detained under Goondas Act and subsequently, the detention Order was set-aside. According to the case of the prosecution, the petitioner was in possession of 5 Kgs of Ganja and it is below commercial quantity.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 15.07.2021, this Court is inclined to grant bail to the petitioner. Accordingly, 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 related sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sankarapuram, Villupuram District** 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 Trial Court twice daily at 10.30 a.m. and 5.30 p.m., until further orders.

[c] the petitioner shall not abscond either during investigation



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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]**.

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

04.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate,
Sankarapuram, Villupuram District.
- 2.The Inspector of Police,
Sankarapuram Police Station,
Villupuram District.
- 3.Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras

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