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Crl.OP.No.19179 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

CORAM

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

Crl.OP.No.19179 of 2022

S.Vinoh Kumar

...Petitioner

Vs.

State by: Inspector of Police,
N.4. Fishing Harbour Police Station,
Chennai - 600 021.
Crime No.99 of 2022

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No. 99 of 2022 on the file of the Inspector of Police, N.4. Fishing Harbour Police Station, Chennai - 600 021.

For Petitioner : Mr. J. Ramesh

For Respondent : Mr.A.Gopinath
Govt. Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.06.2022 for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(B), 22(c), 25 and 29(1) of the Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.99 of 2022 on the file of the respondent police, seeks bail.

2. On perusal of FIR, it is revealed that there are totally 4 accused in this case and the petitioner is arrayed as first accused. The petitioner was found in possession of 2 kg of ganja and the co-accused A2 was found in possession of 20 Nos. of LSD Stamps.

3.The learned counsel appearing for the petitioner would submit that false case has been foisted against the petitioner. He further submit that A3 and A4 were granted bail by this Court in Crl.O.P.No.17961 of 2022 dated 10.08.2022. Hence, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) would submit that the contraband seized from the accused is not a commercial quantity. However, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code: ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No. 9445008148, 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 sureties**, each for a like sum to the satisfaction of **learned Principal Special Judge for NDPS Court** and on further conditions that :-



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[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] petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148 and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall stay at Hosur and report before Hosur Town Police Station twice daily at 10.30.a.m., and 04.30.p.m., for a period of four weeks and thereafter report before the respondent police twice daily at 10.30 a.m., and 04.30.p.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[f] 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].

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

23.08.2022

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To

1. Principal Special Judge for NDPS Court.
2. The Inspector of Police,
N.4. Fishing Harbour Police Station,
Chennai - 600 021.
3. Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

Sma

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