



CrI.OP.No.20620 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2022

CORAM

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

CrI.OP.No.20620 of 2022

1.Anandharaj
2.Chanthuru

..Petitioners

Vs.

State rep by Sub Inspector of Police,
Irumbulikulurichi Police Station,
Ariyalur District.
(Crime No.135 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to grant the bail to the petitioner in Crime No.135 of 2022 on the
file of the Inspector Police Irumbulikulurichi police Station, Ariyalur
District.

For Petitioners	: Mr.R.Subramaniyan
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 13.08.2022 for the offence under Sections **8(c), 20(b)(ii)(A)**



Crl.OP.No.20620 of 2022

of Narcotic Drugs & Psychotropic Substances Act 1985 read with Section 24(i) of the Cigarettes and Other Tobacco Products Act and Section 328 of IPC in crime No.135 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in possession 30 gms of Ganja and banned tobacco products (20 gms Hans – 15 packets, Cool lip Tobacco Packet – 12, Vimal Pan Masala 30 packets each 87 gms, Cool Lip Filter Tobacco 108 gms 12 packets, V-1 Tobacco – 25 gms 30 packets). Hence, the complaint.

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 13.08.2022. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were found in possession



CrI.OP.No.20620 of 2022

30 gms of Ganja and banned tobacco products (20 gms Hans – 15 packets, Cool lip Tobacco Packet – 12, Vimal Pan Masala 30 packets each 87 gms, Cool Lip Filter Tobacco 108 gms 12 packets, V-1 Tobacco – 25 gms 30 packets). Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case, 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) 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 on such deposit, 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 sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate Sendurai** and on further conditions that :-



CrI.OP.No.20620 of 2022

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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] each of the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty 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 payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioners shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of six weeks and thereafter as and when required for interrogation.

[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 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].



Crl.OP.No.20620 of 2022

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

30.08.2022

mpl



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CrI.OP.No.20620 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate Sendurai.
- 2.The Sub Inspector of Police,
Irumbulikulurichi Police Station,
Ariyalur District.
- 3.Central Prison at Trichy.
- 4.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.20620 of 2022

30.08.2022