



Crl.OP.No.22228 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.22228 of 2022

Dhineshkumar @ Vellaiyan

... Petitioner

Vs.

State rep by,
The Inspector of Police,
Karumalaikoodal Police Station,
Salem District.
(Crime No.141 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.141 of 2022 on the file
of the respondent police.

For Petitioner : Mr.G.Munuraj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.07.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii) B of NDPS Act, in Crime No.141 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 1.2 kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that there is no previous case against the petitioner and the petitioner is ready to abide by any stringent condition imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in illegal possession of



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1.2 Kgs of Ganja. He would further submit that the petitioner has no previous cases as against him. However, he vehemently opposed to grant bail to the petitioner.

6. Heard both the learned counsel and perused the materials available on record.

7. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also the fact that there is no previous case against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Court of the Special Judge for 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;



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[b] the petitioner shall **report before the respondent police every day at 10.30 a.m., and 5.30 pm., until further orders;**

[c] the petitioner shall not abscond either during investigation 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 abscond, a fresh FIR can be registered under Section 229A IPC.

shk

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To
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1. The Special Judge,
In the Court of Special Judge for EC/NDPS Act Cases,
Salem.
2. The Inspector of Police,
Karumalaikoodal Police Station,
Salem District.
3. The Central Prison,
Salem District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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