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CrI.O.P.No.24859 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

CrI.OP.No.24859 of 2022

Alaguperumal @ Babu

... Petitioner

Vs.

State Rep By its,
The Inspector of Police,
Mecheri Police Station,
Salem District.
(Crime No.349 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.349/2022 on the file of
the respondent.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 05.08.2022 for the offences punishable under Sections 8(c) read with



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20(b)(ii)(B) & 25 of NDPS Act, in Crime No.349 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with co-accused was found in illegal possession of 5 kgs of Ganja. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, he would also submit that without prejudice to his contentions, the petitioner is prepared to deposit a considerable amount to any Welfare Scheme of the Government. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with co-accused was found in illegal possession of 5 kgs of Ganja. He would also submit that there is no previous cases as against the petitioner. However, he vehemently opposed to



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grant bail to the petitioner.

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

6. In order to curb the illegal activities of selling banned tobacco products, this Court is of the opinion that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) as non refundable deposit to **“The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College and Hospital, Salem”** without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has prepared to deposit Rs.25,000/- to any welfare scheme of



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the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is directed to **deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) by way of Demand Draft/RTGS/NEFT to the “The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College and Hospital, Salem”,** without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond each for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **Special Court for EC/NDPS Act, 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 daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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;

19.10.2022

mpl



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A.D.JAGADISH CHANDIRA., J.

mpl

To

- 1.The Special Court for EC/NDPS Act,
Salem.
- 2.The Inspector of Police,
Mecheri Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.

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