



Crl.OP.No.25357 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

Crl.OP.No.25357 of 2022

Chinnasamy

..Petitioner

Vs.

The State Represented by,
Inspector of Police,
Ammamet Police Station,
Salem District.
Crime No.466 of 2022

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime
No.466/2022 on the file of respondent police.

For Petitioner : M/s.S.Premakumari

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.08.2022 for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(B) of NDPS Act and Section 6(b), 24(1) of the Cigarette and other Tobacco Products Act, 2003 and Section 328 of IPC and Section 77 of Juvenile Justice Act, 2015 in Crime No.466 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of banned tobacco substances along with 2kgs of Ganja. Hence, the case.

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. He would further submit that the petitioner is the cleaner of the lorry and he is not aware of the alleged contraband and would further submit that the petitioner has been suffering incarceration from 22.08.2022. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that, the petitioner along with other accused were found in illegal possession of banned tobacco substances along with 2kgs of Ganja. He would further submit that there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsels and also perused the materials available on record.

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from the date of his arrest, this Court is inclined to grant bail to the petitioner.

7. 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



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of the learned **District Munsif Cum Judicial Magistrate, Valapady,**

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.

[b] the petitioner shall report before the respondent police twice daily at 10.30.a.m., and 05.30.p.m., 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].



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

04.11.2022

Sma

To

1. District Munsif Cum Judicial Magistrate,
Valapady, Salem District.
2. Inspector of Police,
Ammamet Police Station,
Salem District.
3. District Jail,
Attur.
4. The Public Prosecutor,
High Court of Madras



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A.D.JAGADISH CHANDIRA, J.

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