



Crl.O.P.No.27024 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

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

Crl.O.P.No.27024 of 2022

Elumalai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thirupathur Taluk Police Station.
Thirupathur District.

(Crime No.342/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.342
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

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 21.09.2022 for the offences punishable under Sections 8(b) r/w 20(a)(i) of NDPS Act, in Crime No.342 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found to have cultivated 100 saplings of Ganja plant weighing about 500grams in his agricultural field. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent agriculturist and he has been falsely implicated in this case. He further submitted that some body has planted the Ganja plants in his field without his knowledge. He also stated that the petitioner has no bad antecedents and he is in custody from 21.09.2022, hence, he prayed for grant of bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner has illegally cultivated 100 Ganja saplings in his agricultural field. He further submitted that there is no previous case as against the petitioner, however, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and the circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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 of **the learned Special Judge for EC/NDPS Act Cases, Salem**, and on further



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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 daily at 10.30 a.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]*;

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

17.11.2022

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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