



Crl.O.P.No.28743 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

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

Crl.O.P.No.28743 of 2022

Yasodha

.....Petitioner

Vs.

The State represented by,
The Inspector of Police,
PEW Hosur Police Station,
Krishnagiri District.
(Crime No.926/2022).

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.926
of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.P.Saravanan

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



Crl.O.P.No.28743 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.10.2022, for the offences punishable under Sections 8(b), 20(b)(i) of NDPS Act in Crime No.926 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 3 kgs of ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and false case has been registered by the respondent police. He would further submit that a case was registered as against the petitioner for offence under Section 302 of IPC in Crime No.245 of 2022, for which, the petitioner did not appeared before the respondent police, when called upon and hence a false case was registered as if, the petitioner was found in possession of 3 kgs of ganja. He would further submit that the petitioner is in custody from 16.10.2022. Hence, he prays for grant of bail to the petitioner.



CrI.O.P.No.28743 of 2022

4. The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the petitioner was found in illegal possession of 3 kgs of ganja. He would further submit that there is one previous case under Section 302 of IPC is pending against the petitioner. However, he would oppose for grant of bail to the petitioner.

5. The respondent filed detailed counter.

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

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and considering the period of incarceration undergone by 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 separate 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**



Crl.O.P.No.28743 of 2022

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]*;

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

23.11.2022

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Crl.O.P.No.28743 of 2022

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



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Crl.O.P.No.28743 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.28743 of 2022

23.11.2022