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Crl.O.P.No.29569 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.29569 of 2022

1. Kunjabana Behera,
S/o. Banamal Behera

2. Manoj Sahu,
S/o. Ghasiram Sahu

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Katpadi Police Station,
Chennai Railways,
Vellore Dt.
(Crime No.99 of 2022)
Respondent

..

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.99 of 2022 on the file of respondent police.

For Petitioners : Mr.D.Balaji

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.09.2022 for the alleged offence under Sections 8(c), r/w 20(b)(ii)(B) of NDPS Act, in Crime No.99 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the respondent police on search, they found the petitioners were in illegal possession of 15 kgs. of ganja, which was banned by the State Government. Hence, the complaint.

3. The learned counsel for the petitioners submitted that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 112 days from 08.09.2022. Hence, he prayed to grant bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that there is no previous case pending against the petitioners and they are from Odisha State. He would submit that totally 15 kgs. of ganja seized, in which, they were in possession of 7 kgs. of ganja each and no previous case pending against the petitioners. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering fact that the investigation is almost completed, no previous case pending against the petitioners and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on executing their separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with local two sureties, each for a like sum to the satisfaction of the *learned Judicial Magistrate, Katpadi*, and on further conditions that::



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(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 petitioners shall appear before the respondent police on every Tuesday and Sunday at 10.30 a.m. for the period of three months and thereafter they shall appear before the trial court for the hearing regularly without fail.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]*; and;



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(f) if the accused thereafter absconds, a fresh FIR

can be registered under Section 229-A IPC.

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To

- 1.The Judicial Magistrate,
Katpadi.
- 2.The Inspector of Police,
Katpadi Police Station,
Chennai Railways, Vellore Dt.
- 3.The Superintendent,
Central Jail, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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