



Crl.O.P.No.29773 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2022

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

Crl.O.P.No.29773 of 2022

Maasanam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F-3 Arambakkam Police Station,
Tiruvallur District.

(Crime No.199 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending in Crime No.199 of 2022
pending on the file of the respondent.

For Petitioner : Mr.B.S.Manikandan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.09.2022 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C), 29(1) of Narcotic Drugs and Psychotropic Act, 1985 and Section 328 of IPC in Crime No.199 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 25.09.2022, on receiving a secret information, the respondent police went to the scene of occurrence, wherein they found that the accused were in illegal possession of 24 kilograms of Ganja grams. The respondent Police seized the contraband and arrested the accused and registered the case in Crime No. 199 of 2022 for the offence under 8(c), 20(b)(ii)(C), 29(1) of Narcotic Drugs and Psychotropic Act, 1985 and Section 328 of IPC . Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also stated that the petitioner is in custody from 25.09.2022 and he



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is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused were found to be in illegal possession of 24 kilograms of Ganja out of which 12 kilograms were recovered from the petitioner herein (A1). He also stated that the major part of the investigation is over. However, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and taking note of the fact that major part of the investigation is over and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Gummidipoondi**, 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 everyday at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation;

[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



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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.

19.12.2022

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To

1. The District Munsif cum Judicial Magistrate,
Gummidipoondi.
2. The Inspector of Police,
F-3 Arambakkam Police Station,
Tiruvallur District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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