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Crl.O.P.No.29793 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

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

Crl.O.P.No.29793 of 2022

Karthik @ Karthikeyan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
PEW - Vellore Police Station,
Vellore District.

(Crime No.498/2022).

... 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.498
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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 14.10.2022 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of the NDPS Act in Crime No.498 of 2022, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 11 kgs of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in custody from 14.10.2022 and he 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. Per contra, the learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused were found in illegal possession of 11 kgs of Ganja. He further submitted that there is one previous case pending



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against him. However, he opposed for grant of bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that the petitioner is ready and willing to pay a sum of Rs.20,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of anticipatory bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.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 also 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 in the event of arrest or on his appearance before the learned **Judicial Magistrate Court, Katpadi**, on condition that the petitioner shall execute a bond for a



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sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of **Dhanabakkiammal Social Welfare Trust, D-3, 1/338, Vasantham Apartment, Sabari Salai, Madipakkam, Chennai 91. A/c No.921010003441816, Axis Bank, Madipakkam Branch, IFSC Code:UTIB0000083, Cell No.9840894264**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioner and 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.

[c] the petitioner shall report before the respondent police every Wednesday at 10.30 a.m., until further orders;

[d] the petitioner shall not tamper with evidence or



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witness during trial;

[e]the petitioner shall not abscond during trial;

[f]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]***; and;

[g]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

12.12.2022

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To

- 1.The Judicial Magistrate,
Katpadi.
- 2.The Inspector of Police,
PEW - Vellore Police Station,
Vellore District.
- 3.The Cenral Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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