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CrI.O.P.No.3864 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

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

CrI.O.P.No.3864 of 2023

Ajithkumar @ Ajith

... Petitioner

Vs.

The State Rep.by,
The Inspector of Police,
PEW-Periyapalayam Police Station,
Tiruvallur.
(Crime No.302 of 2022)
Respondent

...

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.302 of 2022 on file of the respondent police.

For Petitioner : Mr.K.Karthik

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 17.12.2022 for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(B) of NDPS Act, 1985 in Cr.No.302 of 2022 on file of the



respondent police, seek bail.

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2. The case of the prosecution is that based on secret information the respondent police went the place of occurrence and there the petitioner was found in illegal possession of 2 kg 200 gram of Ganja. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the contraband involved in this case is in-between quantity. He would also submit that without prejudice, the petitioner is prepared to deposit an amount of Rs.10,000/- as non- refundable deposit to any welfare scheme of the Government and he is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the petitioner was found in illegal possession of 2 kg 200 gram of Ganja. He would submit that the investigation is almost completed and there is no previous case pending against the petitioner. However, he vehemently opposed to grant bail to the petitioner.



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

6. Considering the facts and circumstances of the case and there is no previous case against this petitioner, the investigation is almost completed, the contraband seized from the petitioner is only in between quantity and also considering the period of incarceration undergone by the petitioner from 17.12.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only)** as non-refundable deposit to the credit of **Registered Advocate Clerk Association, Tiruvallur** and on such deposit, 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 (out of which one surety should be blood relative) for a like sum to the satisfaction of the **learned Judicial Magistrate Court at Uthukottai,**



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 every Saturday at 10.30 a.m., for a period of eight weeks;

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

(d) the petitioner 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 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

21.02.2023

gbi



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To

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1. The Judicial Magistrate Court, Uthukottai.
2. The Inspector of Police,
PEW-Periyapalayam Police Station,
Tiruvallur.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI,J.

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