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Crl.O.P.No.5757 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

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

Crl.O.P.No.5757 of 2023

Parthiban

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Palladam Police Station,
Tiruppur District.

(Crime No.72 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in connection with the

Crime No.72 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.S.P.Meenakshi Sundharam

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.01.2023 for the offences punishable under Sections 8(C) r/w



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20(b)(ii)(A) of NDPS Act and Section 25(1-A) of Arms Act in Crime No.72 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant, who is the Sub-Inspector of Police is that the petitioner was intercepted during the vehicle check up and found that he was in possession of 150 grams of ganja and a knife. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that the fact remains that the petitioner has got some previous cases registered against him under Indian Penal Code and only in order to put the petitioner under fetters, the respondent has registered a false case against the petitioner. He would further submit that the in respect of other cases against him, he has been enlarged on bail. He would also submit that the petitioner is in judicial custody from 02.01.2023 and hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioner is a habitual offender against whom, 6 previous



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cases including one NDPS case, are pending. He further submitted that as far as this case is concerned, during the vehicle check up, the petitioner was found in illegal possession of 150 grams of Ganja and a knife. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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 Judicial Magistrate, Palladam** 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent daily twice at 10.30 a.m and 5.30 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.

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To

- 1.The Judicial Magistrate, Palladam.
- 2.The Inspector of Police,
Palladam Police Station,
Tiruppur District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor, High Court of Madras.



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