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Crl.O.P.No.7669 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.O.P.No.7669 of 2023

1.Sivaprasad

2.Roshan

... Petitioners

Vs.

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

(Crime No.7 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.7 of 2023 on the file of
the respondent.

For Petitioners : Mr.C.Deepakkumar

For Respondent : Mr.C.E.Pratap
Government Advocate(Crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.02.2023 for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.7 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the accused were found in possession of 12 kgs of ganja and from each of them 6 kgs of ganja was separately recovered. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submit that the petitioners are residents of Karnataka and they have travelled to Tamil Nadu and due to language problem they have been roped into this case. He further submit that the petitioners are in judicial custody from 27.02.2023 and they do not have any previous case pending against them and that the major part of the investigation is over. He further submit that the petitioners have also produced proof to show that they are the permanent residents of Karnataka. Hence, he seeks for grant of bail



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to the petitioners.

4.The learned Government Advocate (Crl.Side) for the respondent submitted that the petitioners were found in possession of 12 kgs of ganja and there is no previous case pending against them and that their address is also verified and that they have got permanent address. Hence, he opposed for grant of bail to the petitioners.

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

6. Considering the facts and circumstances of the case and also the submissions made by either side and also considering the period of incarceration undergone by the petitioners from 27.02.2023, this court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five**



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thousand only) with two sureties, out of which, one shall be either father or the mother of the petitioners, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.I, Salem, 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 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]*;



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gbi

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

17.04.2023

gbi

To

- 1.The Judicial Magistrate Court No.1,
Salem.
- 2.The Inspector of Police,
NIB-CID Police Station,
Vellore District.
- 3.The Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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