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CrI.OP.No.9168 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.9168 of 2023

1.Phinuel Paik
2.Atmiya Mishal
3.Urmila Rathore

... Petitioners/ A1, A2 & A3

Vs.

The State Rep. by
Inspector of Police,
PEW- Vellore Police Station,
Vellore District.
Crime No.223 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in crime No.223 of 2023 on the file of the respondent.

For Petitioners : Mr.C.Deepakkumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.03.2023 for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) & 25 of NDPS Act, 1985, in Crime No.223 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 6 Kgs of ganja jointly. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners were found in illegal possession of 6 Kgs of ganja jointly. Hence, he vehemently opposed to grant bail to the petitioners.



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5. Even according to the case of the prosecution, all the accused persons were found in joint possession of 6 Kgs of ganja. It is an intermediate quantity. Considering the above facts and circumstances of the case and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, each of the petitioners shall donate a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of “LOVERS OF TRUTH, UNITY & SERVICE”, A/c. No.611901075128, IFS Code: ICIC0006119, Cell No.9600416555, by producing his/her Aadhar number, PAN number and address. On such donation, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court No.2, 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.



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[b] each of the petitioners shall donate a sum of Rs.15,000/- (Rupees Fifteen Thousand only), to the credit of the “LOVERS OF TRUTH, UNITY & SERVICE”, A/c. No.611901075128, IFS Code: ICIC0006119 by producing his/her Aadhar number, PAN number and address. The receipt of such donation shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

05.05.2023

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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate Court No.2, Salem.
- 2.The Inspector of Police,
PEW- Vellore Police Station,
Vellore District.
- 3.“LOVERS OF TRUTH, UNITY & SERVICE”
LOTUS Home,
855, Rohini Gardens,
Periya Pudur,
Salem 636 016
- 4.Central Prison, Salem.
- 5.The Public Prosecutor,
High Court of Madras.

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05.05.2023