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CrI.OP.No.10066 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

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

CrI.OP.No.10066 of 2023

Santhosh Kumar

... Petitioner

Vs.

State Rep by

The Inspector of Police,

Tiruchengodu Prohibition Enforcement Wing Police Station,

Namakkal District.

Crime No.265 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.265 of 2023 on the file of the Respondent.

For Petitioner : Mr. C.Deepak Kumar

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



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CrI.OP.No.10066 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.03.2023 for the offences punishable under Sections 8(c), read with Section 20(b)(ii)(B) of NDPS Act in Crime No.265 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 5 kgs of ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 5 kgs of ganja. He further submitted that, apart from this case, there is one previous case pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.



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CrI.OP.No.10066 of 2023

5. Considering the fact that the contraband seized from the petitioner is not a commercial quantity and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall donate a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of “LOVERS OF TRUTH, UNITY & SERVICE”, A/c. No.611901075128, IFS Code: ICIC0006119, Cell No.9600416555, by producing his Aadhar number, PAN number and address. On such donation, 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 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.



CrI.OP.No.10066 of 2023

[b] the petitioner shall donate a sum of Rs.20,000/-(Rupees Twenty 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 petitioner shall report before the respondent police daily at 10.30.a.m., for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

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

[e] the petitioner 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 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].



CrI.OP.No.10066 of 2023

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

04.05.2023

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To

1. Judicial Magistrate Court No.2, Salem
2. The Inspector of Police,
Tiruchengodu Prohibition Enforcement Wing Police Station,
Namakkal 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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Crl.OP.No.10066 of 2023

G.K.ILANTHIRAIYAN, J.

Sma

Crl.OP.No.10066 of 2023

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