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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

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

Crl.OP.No.10433 of 2023

Shanmugam ... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
T-1 Ambattur Police Station,
Thiruvallur District. ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.175 of 2023 pending on the file of the respondent.

For Petitioner : Mr.A.Samson

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

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.03.2023 for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) of NDPS Act, in Crime No.175 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 1.250 Kgs of Ganja. Hence, the case.

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 illegal possession of 1.250 Kgs of Ganja. Hence, he vehemently opposed to grant bail to the petitioner.

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5. It is seen that petitioner was found in illegal possession of 1.250 Kgs of Ganja. It is an intermediate quantity. Considering the above facts and circumstances of the case 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 learned Judicial Magistrate at Ambattur 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 donate a sum of Rs.20,000/-(Rupees Twenty Thousand only), to the credit of the "LOVERS OF TRUTH,

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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 stay at Thoppur and report before the Inspector of Police, Thoppur Police Station, Dharmapuri District daily at 10.30 a.m. and 5.30 p.m., for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m., until further orders.

[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].

[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 at Ambattur.

2.The Inspector of Police,
T-1 Ambattur Police Station,
Thiruvallur District.

3."LOVERS OF TRUTH, UNITY & SERVICE"
LOTUS Home,
855, Rohini Gardens,
Periya Pudur,
Salem 636 016

4.Central prison, Puzhal-II.

5.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.10433 of 2023

05.05.2023

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