



WEB COPY



Crl OP No.10887 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE Mr. JUSTICE **SUNDER MOHAN**

Crl.OP. No.10887 of 2023

Hemanthkumar

... Petitioner

Versus

The State
Rep. by its Inspector of Police,
Walajapet Police Station,
Ranipet District.
Crime No.152/2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No. 152 of 2023 on the file
of the respondent.

For Petitioner : Mr.G.Somasekar

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor



Crl OP No.10887 of 2023

ORDER

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The petitioner, who was arrested and remanded to judicial custody on 12.04.2023 for the offence punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.152 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.04.2023, based on a secret information, the respondent police went for patrol and found the petitioner was in illegal possession of 1 kgs and 100 gms 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. He would also submitted that the petitioner is in custody from 12.04.2023. 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 kg and 100 gms of Ganja. He would further submit that there is one previous case pending against the petitioner and hence, he vehemently opposed for grant of bail to the petitioner.



Crl OP No.10887 of 2023

WEB COPY

5. Considering the facts and circumstances of the case, the period of incarceration and that further custody of the petitioner is not required for investigation, this Court is inclined to grant bail on the following conditions:-

(a) the petitioner shall execute 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-I, Salem.

[b] 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.

[c] the petitioner shall 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.



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Crl OP No.10887 of 2023

SUNDER MOHAN, J

kmi

6. This Criminal Original Petition is ordered accordingly.

10.05.2023

kmi

To

- 1.The Judicial Magistrate-I,
Salem.
- 2.The Inspector of Police,
Walajapet Police Station,
Ranipet District
- 3.The Superintendent,
Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai

Crl.O.P.No.10887 of 2023