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CrI.O.P.No.11857 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

CrI.O.P.No.11857 of 2023

Pramod Kumar Behera

... Petitioner

Vs.

The State rep by
The Inspector of Police
Guduvancheri Prohibition Enforcement Wing (PEW)
Chengalpattu District.
(Crime No.115 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.115 of 2023 on the file
of the respondent.

For Petitioner : Mr.G.Mageshkumar

For Respondent : Mr. C.E.Pratap
Government Advocate (CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 13.04.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B)
of NDPS Act, 1985 in Crime No.115 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 6.300 Kilograms of Ganja. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. He further submitted that he is a construction worker and a friend of him sent a parcel to deliver to him, without knowing the contents he had received it. He further submitted that he has been suffering incarceration from 13.04.2023. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.20,000/- to any Welfare Scheme of the Government and his younger brother is ready and willing to stand as surety for him and he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that petitioner was found in illegal possession of 6.300 Kilograms of Ganja.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.



6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is **directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) directly to the Dean/Medical Officer, Chengalpattu Medical College and Hospital, Chengalpattu as non refundable deposit** and on such deposit and on receipt of proof of payment, 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, out of which, one surety shall be the brother of the petitioner, each** for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Chengalpattu** 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 report before the respondent police everyday at 6.30 p.m. until further orders;



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

[d] the petitioner 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 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]***;

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

06.06.2023

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To

1. The Judicial Magistrate No.II,
Chengalpattu.
2. The Inspector of Police
Guduvancheri Prohibition Enforcement Wing (PEW)
Chengalpattu District.
3. The Superintendent,
Central Prison, Puzhal
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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