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Crl.O.P.No.11997 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SATHI KUMAR SUKUMARA KURUP**

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1. Govindaraj

2. Chandiran

... Petitioners

Vs.

The Inspector of Police,
Kariyalur Police Station,
Kariyalur , Kallakurichi District
(Crime No.80 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in connection with the Crime No.80
of 2023 pending investigation on the file of the The Inspector of
Police,Kariyalur Police Station, Kariyalur , Kallakurichi District.

For Petitioners : M/s.R. Prabudoss

For Respondent : Mr.L. Baskaran
Government Advocate (Crl.Side)



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ORDER

The petitioners, who was arrested and remanded to judicial custody on 13.05.2023 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(B) Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.80 of 2023 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioners were in possession of 1 kg and 100 kilograms of ganja. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would also submit that the petitioners were in custody from 13.05.2023 and they are ready to abide by stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners were in possession of 1 kg and 100 kilograms of ganja. He further submitted that he seeks time to file



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a counter and vehemently opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and taking note of the quantity recovered from the petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, one surety shall be a blood surety, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sankarapuram, Kallakurichi District** and on further conditions that:



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[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 petitioners shall report before the respondent Police everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 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]*;

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

25.05.2023

vv/smn



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To

1. The **Judicial Magistrate, Sankarapuram, Kallakurichi District**
2. The Inspector of Police,
Kariyalur Police Station,
Kariyalur , Kallakurichi District
3. The Central prison, Cuddalore and District
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP.,J.

Vv/smn

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