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Crl.O.P.No.11993 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

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

Crl.O.P.No.11993 of 2023

Manikandan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
PEW-Polur Police Station,
Thiruvannamalai District
(Crime No.463 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.463
of 2023 pending investigation on the file of the respondent Police.

For Petitioner : M/s.G.P.Sivakumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.05.2023 for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(A) Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 328 r/w 511 of I.P.C, in Crime No.463 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner was in possession of ½ kilograms of ganja. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner is in custody from 10.05.2023 and he is ready to abide by stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (CrI.Side) appearing for the respondent police would submit that the petitioner was in possession of ½ kilograms of ganja. He further submitted that he seeks time to file a counter



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and vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner 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 petitioner and taking note of the quantity recovered from the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond 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 **Judicial Magistrate, Polur** 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 petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders;

[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.

25.05.2023

vv/smn



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To

1. The **Judicial Magistrate, Polur**
2. The Inspector of Police,
PEW-Polur Police Station,
Thiruvannamalai District
3. The Central Jail, Vellore
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP.,J.

Vv/smn

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