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Crl.O.P.No.12634 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

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

Crl.O.P.No.12634 of 2023

Sahadebkanar

... Petitioner

Vs.

The State Rep by
Inspector of Police
NIB-CID Police Station
Salem District
Crime No.17 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.17 of 2023 on the file of
the respondent police.

For Petitioner : Mr.C.Deepak Kumar

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on **20.04.2023** for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(B) of NDPS Act, in Crime No.17 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.04.2023, the petitioner was found illegally transporting 4 Kgs. of Ganja by Thiruvananthapuram Express train. 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 for statistical purpose. He further submitted that the petitioner has been in suffering incarceration for more than 50 days from 20.04.2023 and that without prejudice to his defence, the petitioner is ready and willing to deposit a substantial amount to any welfare scheme run by the Government as may be directed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent vehemently opposed for grant of bail to the petitioner stating that



the petitioner who is the native of Odisha, was found illegally transporting 4 kgs. of Ganja by train. However, he would submit that there is no previous case against the petitioner.

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

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner and also of the fact that there is no previous case against the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand Only) by way of **RTGS/NEFT to the credit of "The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College and Hospital, Salem"** without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 a blood relative of the petitioner**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Salem** 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 10.30 a.m. until further orders.

[c] At the time of furnishing sureties, the blood related surety shall convince the learned Magistrate with regard to his/her permanent residence;

[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;



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[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 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]***;

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

13.06.2023

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To

1. The Judicial Magistrate Court No.2 Salem
2. Inspector of Police
NIB-CID Police Station
Salem District
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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