



Crl.O.P.No.12953 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

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

Crl.O.P.No.12953 of 2023

Sakthivel

... Petitioner

Vs.

The State represented by
Inspector of Police
PEW, Dharmapuri
Crime No.476 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.476 of 2023 on the file
of the respondent police.

For Petitioner : Mr.J.Bharathiraja

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 **09.05.2023** for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(B) of NDPS Act, in Crime No.476 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 1.600 Kgs. of Ganja. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case and that the petitioner has been languishing in jail for more than one month from 09.05.2023. However, on instructions he would submit that the petitioner without prejudices to his defence, is ready and willing to deposit a substantial amount to any Charitable Institution as may be directed by this Court and he prayed for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent vehemently opposed for grant of bail to the petitioner stating that the petitioner/A2 along with A1 was found in possession of 1.600 Kgs. of Ganja. Insofar as the petitioner is concerned, 500 Grams of Ganja was recovered from him and there are 2 previous cases against the petitioner. The respondent has filed a detailed counter.

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

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, 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)** by way of RTGS/NEFT to the credit of "Rehoboth - Home for Mentally Challenged Homeless



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Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai,
Punjab National Bank, Moulivakkam Branch, Account No.
05812010015060, IFSC Code: PUNB0058110 MICR Code: 600024081,
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**, each for a like sum to the satisfaction of
the Special Court for EC/NDPS Act Cases, 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] 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;



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[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.

12.06.2023

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To

1. The Special Court for EC/NDPS Act Cases, Salem
2. Inspector of Police
PEW, Dharmapuri
3. The Central Jail, Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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