



Crl.OP.No.16092 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

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1. Dinesh

2. Manivannan

..Petitioners

Vs.

State Rep by its,
The Sub Inspector of Police,
Kondalampatti Police Station,
Salem.

Crime No.281 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.281 of 2023 on
the file of the respondent police.

For Petitioners : M/s. A.Bakkiya Lakshmi

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 23.05.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substance Act in Crime No.281 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners innocent persons and they have been falsely implicated in a case registered for the offence under Section 8(c), 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substance Act in Crime No.281 of 2023. Petitioners are in Judicial Custody from 23.05.2023. Thus, he seeks for bail to the petitioners.

3. In response, the learned Government Advocate (Crl. Side) opposes the petition on the ground that, on 22.05.2023 at about 19.00 hrs, on the prior information, police party apprehended accused Rajkumar, Dhinesh, Raja and Manivannan, who were standing in a suspicious manner. On search, they were found in possession of 2.1 kgs of ganan. Therefore, the contraband and the vehicles used were seized from them. Petitioners are A2 & A4. A4 is implicated on the confessional statement of the co-accused and there is no recovery from



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him. He further submitted that, apart from this case, there is no previous case pending against the petitioners.

4. Considering the nature of the offence and facts of the case and that the contraband and the vehicles involved had been recovered and also considering that there is no previous case pending against the petitioner and that the petitioners are in judicial custody from 23.05.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Special Court for EC / NDPS Act Cases, Salem** and on further conditions that :-

[a] the sureties shall affix their photographs and



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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 deposit a non-refundable sum of Rs.10,000/- each, by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; Payment of this amount will not amount to admission of guilt of the petitioners.

[c] the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions,



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

21.07.2023

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To

1. Special Court for EC/NDPS Act Cases, Salem.
2. The Sub Inspector of Police,
Kondalampatti Police Station,
Salem.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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