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Crl.O.P.No.16340 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

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

Crl.O.P.No.16340 of 2023

1.Kaveen Kishore
2.Suresh

...Petitioners

Vs.

The State represented by
The Inspector of Police,
Kondalampatti Police Station,
Salem.
(Crime No.429/2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.429 of 2023 on the file of the respondent.

For Petitioner : Ms.S.Sengkodi

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.06.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) NDPS Act, 1985 in Crime No.429 of 2023 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners submitted that, petitioners are falsely implicated as accused in Crime No.429 of 2023 for the offences under Sections 8(c) r/w 20(b)(ii)(B) NDPS Act. Petitioners are in judicial custody from 25.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposes this petition, on the ground that, on 25.06.2023, at about 13.00 hours, near Kattamangalam to Thirunur main road, accused were found in illegal possession of 1.250 kgs of ganja. There is no similar case pending against the petitioners. Therefore, he prays for dismissal of this bail petition.

4. Considering the fact that, petitioners were found with illegal possession of 1.250 kgs of ganja and that petitioners are in judicial custody from 25.06.2023 and that there is no similar case pending against the



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petitioners and that the material part of the investigation is over, this Court is inclined to grant bail to the petitioners and the petitioners are ordered to be released on bail on his 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 Judge for EC/NDPS Act cases, Salem District** 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 petitioners without prejudice to their defence shall deposit a non-refundable sum of **Rs.10,000/-**, each by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is



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made clear that merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

[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, 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].

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



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To

1.The Special Judge for EC/NDPS Act Cases, Salem District.

2.The Central Prison.
Salem.

3.The Inspector of Police,
Kondalampatti Police Station,
Salem.

4.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.

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