



Crl.O.P.Nos.17415 & 17654 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

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

Crl.O.P.Nos.17415 & 17654 of 2023

Sathishkumar ..Petitioner in Crl.O.P.No.17415 of 2023

Suresh ..Petitioner in Crl.O.P.No.17654 of 2023

Vs.

The State Rep. By
Inspector of Police,
PEW-Dharmapuri Police Station,
Dharmapuri District.
Crime No.510 of 2023

..Respondent in both Crl.O.P's

COMMON PRAYER:

Criminal Original Petitions are filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.510 of 2023 on the
file of the respondent.

In Both Crl.O.P's:

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.06.2023 for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(B) of NDPS Act, in Crime No.510 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 Cr.No.510 of 2023 for the offences under Sections 8(c) r/w. 20(b)(ii)(B) of NDPS Act. They are in Judicial Custody from 10.06.2023 and thus, he seeks bail.

3.In response, learned Additional Public Prosecutor submitted that, during the course of investigation, it was revealed that A2 had previous enmity with Karpagam and he wanted to take revenge against her. A1 purchased Ganja from A5 for Rs.50,000/-. Then A2 by standing outside, A3 and A4 entering into house of Karpagam placed the Ganja in Karpagam's house, to falsely implicate her in NDPS case.



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4.Considered the rival submissions and perused the records.

5.Earlier bail petition filed by Sathish Kumar was disposed on 12.07.2023, it was submitted by learned Government Advocate (Criminal side), on instructions from concerned Police that first accused had previous enmity with Karpagam in connection with running an illegal scan centre. A case in Cr.No.347 of 2023 was registered against Karpagam and Sathish Kumar. On the basis of confessional statement of Karpagam, first accused was implicated. Therefore, it was submitted that first accused purchased Ganja from A5 and gave it to A3 and A4 for keeping it in the house of the Karpagam. In view of the contradictory position taken and the fact that petitioners are in judicial custody from 10.06.2023 and that substantial part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only)**each** with two sureties, each for a like sum to the satisfaction of the



Judicial Magistrate Court No.2, Salem, 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 petitioners shall report before the respondent police daily at 10.00.a.m., until further orders.

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

[d] the petitioners 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 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].



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

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To

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



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G.CHANDRASEKHARAN. J.

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