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Crl.O.P.No.18510 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

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

Crl.O.P.No.18510 of 2023

HonestRaj

...Petitioner

Vs.

State By:

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

Cr.No.247 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Cr.No.247 of 2023 on the file of the respondent police

For Petitioner : Mr.C.Deepakkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.05.2023 for the offences punishable under Sections 8(c) r/w



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20(b)(ii)(B) and 29(1) NDPS Act in Crime No.247 of 2023 on the file of the respondent police, seeks bail.

2. This is the second bail petition filed by the petitioner. Earlier bail petition was dismissed on the ground that petitioner has one similar case in Crime No718 of 2022 registered for the offences under Sections 8(c) r/w 20(b)(ii)(B) NDPS Act.

3. It is submitted by the learned counsel for the petitioner that, in the earlier case concerned, the allegation is that petitioner was in illegal possession of 350 gms of Ganja, which is a small quantity. Petitioner is prepared to abide by any conditions. Thus, he seeks bail.

4. Considering the fact that, earlier case relates to small quantity of ganja and that petitioner is in judicial custody from 13.05.2023 and that substantial part of the investigation might have been completed, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a 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 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 petitioner shall report before the respondent police daily at 10.30 a.m., and 5.30 p.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.

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

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mpl



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G.CHANDRASEKHARAN, J.
mpl

To

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

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