



Crl.O.P.No.19609 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.19609 of 2023

Mantu Pal

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
PEW Thirupathur Police Station,
Thirupathur District.
Crime No.468 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.468 of 2023 on the file of the respondent.

For Petitioner : Mr.C.Deepakkumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.07.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) of the NDPS Act in Crime No.468 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated as an accused in a case registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of the NDPS Act in Crime No.468 of 2023. Petitioner is in judicial custody from 31.07.2023. In the said circumstances, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor opposes this petition, on the ground that, on 30.07.2023, at about 11 a.m., defacto complainant on prior information, mounted surveillance at Jolarpet Railway Station and found the petitioner in suspicious circumstance. After following necessary procedure, petitioner was found with



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possession of 4.500 kgs of ganja. Ganja had been seized. Thus, he seeks for dismissal of this petition.

4. Considering the nature of allegations and the fact that, ganja had been seized and petitioner has no similar previous case registered against him, that material part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties, out of which, one surety must be from the native district of the petitioner**, each for a like sum to the satisfaction of the **Judicial Magistrate Court No.2, 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 daily morning at 10.30 a.m., until further orders.



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[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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To

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

G.CHANDRASEKHARAN. J.



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