



CrI.OP.No.19613 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2023

CORAM

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

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1.Sharadamma

2.Venkatesh

..Petitioners

Vs.

The State represented by
The Inspector of Police,
P.E.W. Hosur Police Station,
Krishnagiri District.
(Cr.No.758 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioners on bail in Crime No.758 of 2023 on the file of the respondent Police.

For Petitioners : Mr.B.Vasudevan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.07.2023 for the offences punishable under Section 8 (c) and 20 (b) (ii) (B) of NDPS Act, in Crime No.758 of 2023 on the file of



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the respondent police, seek bail.

2.It is the submission of the learned counsel for the petitioners that, petitioners are falsely implicated as accused in Crime No.758 of 2023 for the offences under Section 8 (c) and 20 (b) (ii) (B) of NDPS Act. Petitioners are in judicial custody from 05.07.2023. Therefore, he prays for grant of bail to the petitioners.

3.In response, the learned Additional Public Prosecutor submitted that on secret information received, defacto-complainant along with Police party mounted surveillance on 04.07.2023, near Ottaiyanoor to Kalingavaram, at Bharathipuram Ratchai, at about 22.00 hours. They found accused Suma, Saradamma and Venkatesh under suspicious circumstances. After following necessary procedure, a search was conducted. Ganja weighing 10kg was recovered from the accused. First petitioner was found in possession of 4kg of Ganja and second petitioner was found in possession of 2kg of Ganja. It is the first case registered against the petitioners under NDPS Act. However, he opposed grant of bail to the petitioners.



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4.Considered the rival submissions and perused the records.

5.Considering the nature of case, the fact that petitioners are in judicial custody from 05.07.2023, and this is the first case registered against them under NDPS Act, and that material 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/-** each (Rupees Ten Thousand only) each with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate Court No.IV, 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 petitioners without prejudice to their defence shall deposit a non-refundable sum of



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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 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 10.00.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



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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 Judicial Magistrate Court No.IV, Salem

2.The Inspector of Police,
P.E.W. Hosur Police Station,
Krishnagiri District.

3.Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras
5.Woman Sub Jail, Salem.



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