



WEB COPY



Crl.O.P.No.21604 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.21604 of 2023

1.Anil Bastaray
2.Akshy Kumar Nayak

...Petitioners

Vs.

The State Rep. By
Inspector of Police,
PEW Vellore Police Station,
Vellore District.

Crime No.521/2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to order enlarge the petitioners on bail in Crime No.521/2023 on the file of the respondent.

For Petitioners : Mr.C.Deepakkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.07.2023 for the offence punishable under Sections 8(c) r/w



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20(b)(ii)(B) of NDPS Act in Crime No.521 of 2023 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners submitted that petitioners are falsely implicated in this case in Crime No.521 of 2023 for the offence under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. The petitioners are in judicial custody from 07.07.2023. Thus, he seeks bail.

3. In response, learned Additional Public Prosecutor submitted that on 07.07.2023, on secret information received, the *de-facto* complainant along with the police party mounted surveillance near Katpadi railway station bus stop. At about 16.00 hours, they found the accused with a polythene sack. After following necessary procedure, a search was conducted and it was found that the accused possessed 3 kilograms of Ganja in the polythene sack carried by them. The Ganja had been seized.

4. Considering the fact that Ganja had been seized in this case and the petitioners are in judicial custody from 07.07.2023 and the material part of the investigation is completed and this is the first case registered against the petitioners under NDPS Act, this Court is inclined to grant



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bail to the petitioners and the petitioners are ordered to be released on bail on their executing a 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 **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 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.

20.09.2023

mpl



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G.CHANDRASEKHARAN, J.

mpl

To

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

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