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Crl.O.P.No.21460 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

**Crl.O.P.No.21460 of 2023**

SujithNayak

...Petitioner

Vs.

The State Rep. By  
Inspector of Police,  
PEW Ranipet Police Station,  
Vellore District.  
Crime No.508/2023

...Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Cr.P.C. to order enlarge the petitioner on bail in Crime No.508/2023 on the file of the respondent.

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 01.08.2023 for the offence punishable under Sections 8(c) r/w



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20(b)(ii)(B) of NDPS Act in Crime No.508 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that petitioner is innocent and he is falsely implicated in this case, in Crime No.508 of 2023 for the offence under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. The petitioner is in judicial custody from 01.08.2023. Thus, he seeks bail.

3. In response, learned Additional Public Prosecutor submitted that on 01.08.2023, on the basis of the secret information received by the *de-facto* complainant, he along with the police party mounted surveillance near Vaalaja Ammur Railway station. At about 08.30 hours, they found the accused with a bag in a suspicious circumstances. After following necessary procedure, a search was conducted and it was found that a bag containing 5 Kgs of ganja was carried by the petitioner. The Ganja had been seized and the case was registered. He further submitted that this is the first case registered against the petitioner under NDPS Act. The petitioner is from Odisha and thus, he opposed for grant of bail to the petitioner.



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4. Considering the fact that ganja had been seized and the petitioner is in judicial custody from 01.08.2023 and that the material part of the investigation is completed and this is the first case registered against the petitioner under NDPS Act, 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 (out of which, one surety shall 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 without prejudice to his defence shall deposit a non-refundable sum of Rs.10,000/-, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat,**



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**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 petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.**

**[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.**

**[d] the petitioner shall not abscond either during investigation or trial.**

**[e] the petitioner 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 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].**



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

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mpl

To

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



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**G.CHANDRASEKHARAN, J.**

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