



Crl.OP.No.24177 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.24177 of 2023

Bharath Kumar

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Salem Town Police Station
Salem District.
(Crime No.616 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.616 of 2023 on the file of
the Inspector of Police, Salem Town Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.07.2023 for the offence punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act and Sections 6, 24 of COTPA 2003 and Section 273 in Crime No.616 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the petitioner was found in possession of 1 Kg and 100 grams of Ganja and 382 Kgs of banned Tobacco products. It is also stated that there is no previous case against the petitioner.

3.Taking all these factors into consideration and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

4.Accordingly, the petitioner is directed to pay a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** by way of demand draft within a period of two weeks from the date of receipt of a copy of this order directly to "The Dean, Government Mohan Kumaramangalam Medical College Hospital, Salem - 1" to enable the Dean to use the aforesaid amount for the purpose of treating the inmates and on such



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deposit the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.I, 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 pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) directly to "The Dean, Government Mohan Kumaramangalam Medical College Hospital, Salem - 1" to enable the Dean to use the aforesaid amount for the purpose of treating the inmates and the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[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



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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].

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

18.10.2023

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To



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

C.V.KARTHIKEYAN, J.



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