



CrI.OP.No.23270 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM

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

CrI.OP.No.23270 of 2023

Krishnamoorthy
S/o.Ayyavoo

...Petitioner/A2

Vs.

State represented by its
Inspector of Police,
NIB – CID Salem Police Station,
Salem District.
(Crime No.9 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Spl.C.C.No.182 of 2023 on the file of the Special Court for EC/NDPS Act, Salem.

For Petitioner : Mr.M.Subash
For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.06.2023 for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.09 of 2023 on the file of the respondent police, seeks bail.



Crl.OP.No.23270 of 2023

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2.The learned counsel for the petitioner submitted that petitioner has been falsely implicated in Crime No.09 of 2023, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. Petitioner is the 2nd accused in Spl.C.C.No.182 of 2023, now pending before the Special Court for EC/NDPS Act, Salem. He had been taken into custody on 23.06.2023. Thus, he prays for grant of bail to the petitioner.

3.It is submitted by the learned Government Advocate (Criminal Side) that the first accused in this case was granted bail. It is stated that first accused was in possession of 2.20 Kgs of Ganja and in his confession statement, it is stated that he had received it from the petitioner herein. Thus, he prayed for dismissal of this petition.

4.However, taking into consideration of the fact that the other accused had been granted bail and in order to give an opportunity to the petitioner herein to participate in the trial, this Court is inclined to grant bail to the petitioner subject to the following conditions. Accordingly, the petitioner is ordered to be released on bail on he executing a bond **for a**



CrI.OP.No.23270 of 2023

sum of Rs.10,000/- (Rupees Ten 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 petitioner shall report before the Special Court for EC/NDPS Act, Salem, everyday, till the completion of the Trial.

[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



CrI.OP.No.23270 of 2023

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.

10.10.2023

mkn2/sli

To

- 1.The Judicial Magistrate Court No.2, Salem.
- 2.The Central Prison,
Salem.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
NIB – CID Salem Police Station,
Salem District.
- 5.The Special Court for EC/NDPS Act, Salem.



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Crl.OP.No.23270 of 2023

C.V.KARTHIKEYAN. J.

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Crl.OP.No.23270 of 2023

10.10.2023