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CrI.O.P.No.26639 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

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

CrI.OP.No.26639 of 2023

Prakash Kumar Mohanty

...Petitioner

Vs.

The State, represented by,
The Inspector of Police,
PEW Vellore Police Station,
Vellore District.
(Crime No.584 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.584 of 2023 on the file of the respondent police.

For Petitioner : Mr.C.Deepakkumar
For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI.Side)

ORDER

The petitioner seeks bail in Crime No.584 of 2023 registered by the respondent Police for the offences under Sections 8 (c) r/w 20(b) (ii) (B) NDPS Act, 1985. The petitioner was remanded to judicial custody on 06.08.2023.



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2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3.It is stated that the petitioner was arrested on 06.08.2023 with possession of 5 Kgs of Ganja. One of the main objection raised by the respondent is that the petitioner is a resident of Odisha and therefore, there is every possibility of the petitioner absconding.

4.The petitioner had first filed an affidavit stating that he is prepared to give a blood surety from his native place. Since the name of the surety was not mentioned, a further affidavit had been sought for. The second affidavit has been filed by the father of the petitioner herein, wherein, he had stated that he is ready to furnish surety to the petitioner herein.

5.In view of the facts and taking the period of incarceration suffered by the petitioner into consideration and the ganja seized is an intermediate quantity, I am inclined to grant bail to the petitioner subject to the following conditions.



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6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties (**one of the surety should be the father of the petitioner herein and the other surety should be a local surety**), 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, once in a week, i.e., every Monday at 10.00 a.m. till the completion of 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



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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].

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

07.12.2023

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To

1. The Judicial Magistrate Court No.2, Salem.

2.The Inspector of Police,
PEW Vellore Police Station,
Vellore District.
(Crime No.584 of 2023)

3.The Central Prison, Salem.

4.The Public Prosecutor, Madras High Court.



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C.V.KARTHIKEYAN, J.

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