



Crl.O.P.No.1259 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

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

Crl.O.P.No.1259 of 2024

1.Ramesh S/o. Raji
2.Sathishkumar S/o. Chandrasekar ...Petitioners/Accused-1 & 2

Vs.

State represented by
The Inspector of Police,
PEW Dharmapuri Police Station,
Dharmapuri District.

(Crime No.647 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail concerned in Spl.C.C.No.223 of 2023 on the file of the Special Judge for EC/NDPS Act Cases, Salem, on such terms and conditions.

For Petitioners : Mr.D.Ravichandran
For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



CrI.O.P.No.1259 of 2024

WEB COPY

ORDER

The petitioners/A1 & A2 in Spl.C.C.No.223 of 2023, now pending before the Special Judge for EC/NDPS Act Cases, Salem, seek bail. Originally, Crime No.647 of 2023 had been registered by the respondent for the offences under Sections 8(c) and 20(b)(ii)(B) of NDPS Act. They had been remanded to custody on 02.07.2023.

2.It is stated that both the accused were found in possession of totally 8 kgs of ganja and it was intermediate quantity.

3.The one significant fact is that the prosecution had completed their investigation and had filed final report and it had been taken cognizance as Spl.C.C.No.223 of 2023 by the Special Judge for EC/NDPS Act Cases, Salem. It is stated that charges had also been framed and the matter is now posted for recording evidences.



Cr.L.O.P.No.1259 of 2024

4.Taking into consideration the period of incarceration undergone by the petitioners and the fact that the contraband seized was intermediate quantity and to provide opportunity to the petitioners to defend their case during the course of trial, I am inclined to grant bail to the petitioners with certain conditions:

5.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate II, 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 appear before the trial Court on every Monday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.

[c] the petitioners shall not abscond either during investigation or trial.



CrI.O.P.No.1259 of 2024

WEB COPY

[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].

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

23.01.2024

ata



WEB COPY



CrI.O.P.No.1259 of 2024

To

- 1.The Judicial Magistrate II, Salem.
- 2.The Central Prison, Salem.
- 3.The Inspector of Police,
PEW Dharmapuri Police Station,
Dharmapuri District.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.O.P.No.1259 of 2024

C.V.KARTHIKEYAN. J.
ata

CrI.O.P.No.1259 of 2024

23.01.2024