



WEB COPY



Crl.O.P.No.2696 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

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

Crl.O.P.No.2696 of 2024

1.Nithin

2.Muhammed Safeer

... Petitioners

Vs.

The State represented by
The Inspector of Police,
NIB CID Vellore Police Station,
Vellore District.
Crime No.01 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.01 of 2024 on the file
of the respondent Police.

For Petitioners : Mr.C.Deepakkumar

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioners who were arrested and remanded to judicial
custody on 03.01.2024 for the offences registered under Sections 8(c) r/w
20(b)(ii)(B) and 29(1) of NDPS Act, in Crime No.01 of 2024, on the file of



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the respondent Police, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 4 kgs of Ganja, which is an intermediate quantity.

3.The learned Government Advocate (crl.side) raised objections stating that the petitioners are the residents of Kerala and there is every possibility of them absconding from judicial process.

4.A memo has been filed by the petitioners stating that for the first petitioner, his wife and his younger brother are prepared to stand as sureties to him and for the second petitioner, his father and another person are prepared to stand as sureties to him.

5.Taking all other factors into consideration and considering the period of incarceration and also of the fact that the quantity of contraband seized which is an intermediate quantity, I am inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, (for the first petitioner, out of two sureties, one should be either the wife or his younger brother of the first petitioner and another should be the local surety) (for the second petitioner, out of two



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sureties, one should be the father of the second petitioner and another should be the local surety) each for a like sum to the satisfaction of the learned

Judicial Magistrate 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders.

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

[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].



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

12.02.2024

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To

- 1.The Judicial Magistrate No.I, Salem.
- 2.The Inspector of Police,
NIB CID Vellore Police Station,
Vellore District.
- 3.The Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN,J.

Vkr

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