



CrI.O.P.No.4065 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

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

CrI.O.P.No.4065 of 2024

Sunil

...Petitioner/A1

Vs.

State represented by
The Inspector of Police,
PEW-Hosur Police Station,
Krishnagiri District.
(Crime No.1308 of 2023).

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.1308 of 2023 on the
file of the respondent police.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.L.Baskaran
Govt. Advocate (CrI. Side)



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ORDER

The petitioner / A1, who was arrested and remanded to judicial custody on 25.11.2023 for the offences punishable under Sections 8(c) & 20(b)(ii)(B) of NDPS Act in Crime No.1308 of 2023 on the file of the respondent, seeks bail

2.It is stated that the petitioner was found in possession in possession of 10 Kgs of Ganja, which had been seized.

3.A counter affidavit has been filed and it is seen that there was a proposal to detain the petitioner as Drug Offender and that the proposal had been forwarded to the District Collector / District Magistrate, Srikakulam District, Andhra Pradesh on 04.12.2023 in ROC No.01/2023/C1. But however, no further orders had been obtained from the District Collector / District Magistrate, Srikakulam, Andhra Pradesh. It is also seen that investigation has been proceeded to a substantial extent.



4.A memo had been filed by the petitioner stating that the mother of the petitioner and the uncle of the petitioner had prepared to stand as surety.

5.Taking all the factors into consideration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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, out of which, **one surety must either be a mother, Jagaratu Vijaya or the uncle, Lopinti Hari and other surety must be a local surety**, each for a like sum to the satisfaction of the learned Judicial Magistrate – I, Salem. The sureties should be independently tested by the learned Judicial Magistrate – I, Salem.

[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 respondent police everyday at 10.30 a.m., until further orders.

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



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[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 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.

14.03.2024

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To

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

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