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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8837 of 2024

Lingesh

... Petitioner

Vs.

State Rep by.
The Inspector of Police
NIB - CID Police Station,
Salem, Salem District.
Crime No. 50 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to order enlarge the petitioner on bail in crime No.50 of 2023 on the
file of the respondent.

For Petitioner : Mr.Deepak Kumar
For Respondent : Mr.V.Meganathan
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **24.10.2024** for the alleged offences punishable under Sections **8 (c) & 20(b)(ii)(B) of NDPS Act in crime No.50 of 2023** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the accused were found to be illegal possession of 114 of Ganja and 4 kgs of Ganja leaves. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is an innocent person. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that accused were found to be illegal possession of 114 of Ganja and 4 kgs of Ganja leaves and 10 kgs of Ganja was recovered from this petitioner. Further, he submitted that there is one previous case pending against the petitioner which is similar in nature. However, he raised objection to grant bail.



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5. Considering the fact that the petitioner is having one previous case in which he availed bail and also on seeing the period of incarceration undergone by the petitioner and investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three months. Further, the petitioner shall deposit a



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sum of Rs.50,000/- to the Government Rehabilitation Home, Paranur, Chengalpet,(A/c No. 10450100006433) Bank of Baroda, within a period of two weeks from the date of copy of a receipt of this order;

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Judicial Magistrate No.I, salem**

2. The Inspector of Police

NIB - CID Police Station,

Salem, Salem District.

3. The Central Prison, Salem.

4. The Public Prosecutor,

High Court of Madras.

Crl.O.P.No.8837 of 2024

16.04.2024