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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

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

Crl.O.P.No.8994 of 2024

Sivakumar

... Petitioner

Vs.

State Rep by.
Inspector of Police
Gudiyatham Town Police
Vellore District.
Crime No. 234 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to order enlarge the petitioner on bail in crime No.234 of 2024 on
the file of the respondent.

For Petitioner : Mr.C.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 12.03.2024 for the alleged offences punishable under Sections **20(b)(ii)(B) & 8 (c) of NDPS Act 1985 in crime No.234 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police searched the petitioner's vehicle and found 1.200 kgs of Ganja. Hence the case.

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

4. On the other side, the learned Government Advocate (Crl. side) submits that respondent police searched the petitioner's vehicle and found 1.200 kgs of Ganja. Further, he submitted that the petitioner is having two previous case pending against the petitioner. However, he raised objection to grant bail.



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5. Considering the period of incarceration undergone by the petitioner and the 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



sum of Rs.10,000/- to the registered Advocate Clerks Welfare Association, Salem 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.

12.04.2024

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T.V.THAMILSELVI,J.

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To

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

2. Inspector of Police
Gudiyatham Town Police
Vellore District.

3. The Central Prison, Salem

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.8994 of 2024

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