WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

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

Crl.O.P.No.9995 of 2024

Mamon ... Petitioner

Vs.

State Rep by.
The Inspector of Police,
PEW, Vellore Police Station,
Vellore District.
Crime No. 193 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail pending investigation in crime No. 193 of 2024 on the file of the respondent police.

For Petitioner : Mr. S.Panneer Selvan
For Respondent : Mr.Meganathan
Government Advocate (Crl. side)

https://www.mhc.tn.gov.in/judis

WEB COPY

O R D E R

The petitioner, who was arrested and remanded to judicial custody on **12.03.2024** for the alleged offences punishable under Sections **8 (c) r/w 20 (b)(ii) B of (NDPS) Act 1985 in crime No. 193 of 2024** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused person was found to be illegal possession of 2 kgs of Ganja. 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. Learned counsel prays to grant anticipatory bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that accused person was found to be in illegal possession of 2 kgs of Ganja and also stated that petitioner is belongs to West Bengal.

5. Considering the period of incarceration undergone by the petitioner and also the contraband seized from the petitioner is intermediate quantity. Hence, this Court is inclined to grant bail to the petitioner.

https://www.mhc.tn.gov.in/judis

WEB COPY

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 stay at Salem and report before the respondent police on alternative days at 10.30 a.m., until further orders. Further, the petitioner shall deposit a sum of Rs.10,000/- to the credit of Registered Advocate Clerk Welfare Association, Salem.

[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

https://www.mhc.tn.gov.in/judis

WEB COPY

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.

24.04.2024

pbl

T.V.THAMILSELVI,J.

https://www.mhc.tn.gov.in/judis

WEB COPY

pbl

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

2.The Inspector of Police,
PEW, Vellore Police Station,
Vellore District.
3. The Central prison, Salem.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9995 of 2024

24.04.2024

https://www.mhc.tn.gov.in/judis