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Crl.O.P.No.11057 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HON'BLE MR. JUSTICE K.KUMARESH BABU

Crl.O.P.No.11057 of 2024

Dhanalakshmi

... Petitioner

Vs.

The State represented by
The Inspector of Police,
PEW DHARMAPURI Police Station,
Dharmapuri District.
Crime No.256 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.256 of 2024 on the file
of the respondent Police.

For Petitioner : Mr. W.Camyles Gandhi

For Respondent : Mr. S.Santhosh
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 16.03.2024 for the offences under Sections 8(c) r/w 20(b) (ii) (B) of



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NDPS Act, 1985, in Crime No.256 of 2024 on the file of the respondent Police, seeks bail.

2. The petitioner is A2 in this case. The case of the prosecution is that the petitioner was found in illegal possession of 6 kg of Ganja, which is an intermediate quantity.

3.The learned Government Advocate (crl.side) raised objections stating that there is no previous case against the petitioner.

4.Taking into consideration the period of incarceration and also of the fact that the quantity of contraband seized is intermediate quantity, I am inclined to grant bail to the petitioner subject to the following conditions:

5.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, each for a like sum to the satisfaction of the learned Judicial Magistrate II, 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, everyday at 10.30 a.m., until further orders.



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

08.05.2024

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To

1.The Judicial Magistrate II, Salem.

2.The Inspector of Police,
PEW DHARMAPURI,
DHARMAPURI.

3.The Central Prison, Salem.

4. The Public Prosecutor, High Court of Madras.



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K.KUMARESH BABU, J.

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