



Crl.OP.No.11061 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.OP.No.11061 of 2024

Rajan

..Petitioner/Accused

Vs.

State rep.by,
The Inspector of Police,
NIB CID, Salem
Salem District.
(Crime No.31 of 2024)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.31 of 2024 on the
file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl.Side)



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ORDER

The petitioner was arrested and remanded to judicial custody on 03.04.2024 for the offences punishable under **Sections 8(c) and 20(b) (ii) (B) of NDPS Act in Crime No.13 of 2024** on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 12 kgs of Ganja. Hence, the case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 03.04.2024. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl side) for the respondent would submit that the petitioner is already an accused of a similar offence in Karnataka in Crime No.100 of 2023 dated 01.05.2023 on the file of the Inspector of Police, Wilson Garden Police Station, Bangalore City. He would further submit that in this case the petitioner was caught



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red handed while carrying 12 Kgs. of Ganja which is an intermediate quantity and therefore, he has been charged for the offence under Section 8(c) and 20(b) (ii) (B) of NDPS Act. Hence, he opposed to grant of bail to the petitioner.

5.Considering the above facts and circumstances of the case and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.25,000/-(Rupees Twenty Five Thousand only), to the credit of the Crime No.31 of 2024** and on such deposit 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, 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 **deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), to the credit of the Crime No.31 of**



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2024 and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the Inspector of Police, Wilson Garden Police Station, Bangalore, daily at 10.30 a.m. until further orders.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

22.05.2024

vsn



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C.SARAVANAN, J.

vsn

To

- 1.The Inspector of Police,
NIB CID, Salem,
Salem District.
- 2.The Judicial Magistrate -II, Salem.
- 3.The Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras

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