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Crl.O.P.No.11244 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.11244 of 2024

Boopathi

.. Petitioner

Vs.

State represented by,
The Inspector of Police,
Kolathur Police Station,
Salem District.
Crime No.122 of 2024

.. Respondent

PRAYER : Criminal Original Petition is filed under Section 439 of Cr.P.C.
pleaded to enlarge the petitioner on bail in Crime No.122 of 2024 pending
on the file of the respondent Police.

For Petitioner : Mr.C.Deepak Kumar
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) r/w 20(b)(ii) (B) & 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.122 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 8 kgs. of Ganja leaves and seeds. 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 was found illegally transporting 8 kgs. of Ganja leaves and seeds. Hence, he vehemently opposed for grant of bail.

5. It is seen that this is the first case registered against the petitioner for possession of 8 Kgs. of Ganja leaves and seeds. It appears that



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the petitioner had purchased the Ganja from the second accused who is absconding and that the whereabouts of the second accused from whom the petitioner had purchased the aforesaid quantity of contraband item, is not known.

6.Considering the above facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only), to the credit of the Crime No.122 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-I, Mettur 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.20,000/-(Rupees Twenty Thousand only), to the credit of the Crime No.122 of 2024** and that the receipt of such payment shall be produced before the concerned



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Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further order.

[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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To

1. The Judicial Magistrate No.I, Mettur.
2. The Inspector of Police,
Kolathur Police Station,
Salem District
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras



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C.SARAVANAN, J.

vsn

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