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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12327 of 2024

Sakthi .. Petitioner/A1

Vs.

State represented by,
The Inspector of Police,
PEW - Dharmapuri Police Station,
Dharmapuri.
Crime No.329 of 2024 .. Respondent

PRAYER : Criminal Original Petition is filed under Section 439 of Cr.P.C. pleased to enlarge the petitioner on bail in Crime No.329 of 2024 pending on the file of the respondent Police.

For Petitioner : Mr.J.Bharathiraja
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

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ORDER

The petitioner/A1 was arrested and remanded to judicial custody on 08.04.2024 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.341 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the secret information received by the respondent police, they found that the petitioner along with other accused was in possession of 2.250 Kgs of Ganja. Hence, the case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against the petitioner. He would submit that the petitioner was arrested and remanded to judicial custody on 08.04.2024. 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 along with other accused was in possession of 2.250 Kgs of Ganja. He would further submit that there is no previous

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case against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Considering the above facts and circumstance of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only), to the credit of the Crime No.329 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, Dharmapuri 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.10,000/- (Rupees Ten Thousand only), to the credit of the Crime No.329 of 2024** and that the receipt of such payment shall be produced before the concerned Magistrate

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at the time of executing the bond;

[c] **the petitioner shall report before the respondent police 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.

23.05.2024

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To

1. The Judicial Magistrate – I, Dharmapuri.

2. The The Inspector of Police,
   PEW - Dharmapuri Police Station,
   Dharmapuri.

3. The Central Jail, Salem.

4. The Public Prosecutor,
   High Court of Madras

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C.SARAVANAN, J.

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