



CrI.O.P.No.12610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

CrI.O.P.No.12610 of 2024

Krishnan

.. Petitioner

Vs.

State rep.by,
The Inspector of Police,
Ulundurpet PEW Police Station,
Villupuram District.
(Crime No.186 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.186 of 2024 on the
file of the respondent police.

For Petitioner : M/s.Na.Mani Maran

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.03.2024 for the offence under Section 8(c) read with Section 20 (b) (ii) of the Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.186 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 13 kilograms of contraband. 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 21.03.2024. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was found in possession of 13 kilograms of contraband. He would also submit that the petitioner has no previous case pending against him. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. The petitioner has been behind bars since 21.03.2024 after his arrest. It appears that the petitioner is the second accused in Crime No.186 of 2024. The third accused appears to be absconding and therefore, the investigation is incomplete.

7. 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.



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8. Accordingly, the petitioner is directed to make a payment/donation of a sum of **Rs.5,000/- (Rupees Five Thousand Only)**, to any recognized and registered orphanage in the District of **Theni** and on such payment/donation, 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 Additional District Judge/Presiding Officer-cum-Special Court for Essential Commodities Act Cases, Villupuram 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 make a payment/donation of a sum of **Rs.5,000/- (Rupees Five Thousand Only)**, to any recognized and registered orphanage in the District of **Theni** and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;



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[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.

24.05.2024

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C.SARAVANAN, J.

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To

- 1.The Inspector of Police,
Ulundurpet PEW Police Station,
Villupuram District.
- 2.The Additional District Judge/Presiding Officer-cum-Special Court
for Essential Commodities Act Cases, Villupuram.
- 3.The Central Jail,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

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