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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.14693 of 2024

Chandramohan @ Chandrasekar

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Kumarapalayam Police Station,
Namakkal District.
Crime No. 14 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail pending investigation in
Spl.CC. No. 241 of 2023 on the file of the Special Judge for EC and NDPS
Act Cases, Salem.

For Petitioner : Mr.S.Suresh
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.07.2023, for the alleged offences punishable under Sections **8 (c) r/w 20(b)(ii)(C), 29(1), 25 of NDPS Act, in crime No. 14 of 2022** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused persons with illegal possession of 100 kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and also the contraband was not recovered from this petitioner. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that final report has been filed in this case and also stated based on the confession of the other accused the petitioner implicated in this case.

5. Considering the facts of the case, based on the confession the petitioner implicated in this case and also the contraband was not recovered from this petitioner. Further, there is no NDPS case pending against the



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petitioner. Hence, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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 (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Special Judge for EC and NDPS Act cases, 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 daily at 10.00 a.m., until further orders. Further, the petitioner shall deposit a sum of Rs.10,000/- to the credit of registered Advocate Clerk's Welfare Association, Namakkal.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence



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

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T.V.THAMILSELVI,J.

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To

1. The Inspector of Police
Kumarapalayam Police Station,
Namakkal District.
2. The **Special Judge for EC and NDPS Act cases, Salem**
3. The Central Prison, Madurai.
4. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.14693 of 2024

02.07.2024