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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

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

Crl.O.P.No.15664 of 2024

1.Ajithkumar
2.Sulaiman

... Petitioners

Vs.

State Rep by.
The **Sub** Inspector of Police
Vaniyambadi Taluk Police Station,
Vaniyambadi, Tirupathur District.
Crime No. 259 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail pending investigation in crime No.
259 of 2024 on the file of the Inspector of Police Vaniyambadi Taluk Police
Station,Vaniyambadi, Tirupathur District.

For Petitioners : Mr.G.Vinodhkumar
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.06.2024 for the alleged offences punishable under Sections **8 (c) r/w 20(b)(ii)(A) of NDPS Act r/w 328 IPC in crime No. 259 of 2024** on the file of the respondent, seek bail.

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

3. The learned counsel for the petitioner submits that the petitioners have been falsely implicated in this case and also contraband seized from the petitioners is intermediate quantity. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that the first petitioner is having 22 previous cases including NDPS cases and also the second petitioner is having 3 previous cases. He raised objection to grant bail.

5. Considering the fact that the first petitioner is having 22 previous



cases. Hence, this court is not inclined to grant bail to the first petitioner.

6. In respect of second petitioner, the contraband seized from the second petitioner is intermediate quantity and also the investigation is almost completed and also he availed bail in other cases. Hence, this Court is inclined to grant bail to the second petitioner.

7. Accordingly, the second 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 blood surety and one local surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Vaniyambadi**, 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 second petitioner shall report before the respondent police on alternative days at 10.30 a.m., until further orders. Further, the second



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petitioner is directed to deposit a sum of Rs.10,000/- to the credit of registered advocate clerks' Welfare association, Tirupathur District.

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

[d] the second petitioner shall not tamper with evidence 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 **Judicial Magistrate, Vaniyambadi.**

2. The **Sub** Inspector of Police
Vaniyambadi Taluk Police Station,
Vaniyambadi, Tirupathur District.

3. The Central Prison, Vellore.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 15664 of 2024

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