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CrI.O.P.No.18943 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

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THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.18943 of 2024

Mohan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vaniyambadi Taluk Police Station,
Vaniyambadi, Thirupathur District.

(Crime No.566 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, pending investigation, in Crime
No.566 of 2023 on the file of the respondent Police.

For Petitioner : Mr.G.Vinodhkumar

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



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ORDER

The petitioner/A5, who was arrested and remanded to judicial custody on 27.06.2024, for the alleged offences punishable under Section 8(c) r/w 20(b)(ii)(A) of NDPS Act, 1985 and 328 of IPC, in Crime No.566 of 2023, on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that there are totally five accused and they were found in possession of 100 grams of ganja.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in FIR. He would further submit that the co-accused have been arrested and released on bail by this Court. He is in judicial custody for more than 40 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that there are totally five accused in this



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case and the petitioner is ranked as A5. He would further submit that the petitioner along with other accused were found to be in illegal possession of 100 grams of ganja. He would further submit that the petitioner has 16 previous cases, including one NDPS case, pending against him. He further submit that the investigation in this case is almost completed and all the co-accused have been released on bail. However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence and considering the period of incarceration undergone by the petitioner and also considering the fact that all the co-accused have been released on bail, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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, each for a like sum to the satisfaction of the



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Judicial Magistrate, Vaniyambadi, and on further conditions that :-

[a] the petitioner shall report before the Judicial Magistrate No.I, Vellore, on everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Judicial 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 absconds, a fresh FIR can be registered under Section 269 BNS.

07.08.2024

drl



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- 1.The Judicial Magistrate,
Vaniyambadi.
- 2.The Inspector of Police,
Vaniyambadi Taluk Police Station,
Vaniyambadi, Thirupathur District.
- 3.The Superintendent,
Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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