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CRL O.P. No.19296 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.08.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.19296 of 2024

1. C. Selvaraj S/o. Chennakesavan
2. N. Venkatesh S/o. Nagaraj ... Petitioners / Accused
Vs

State rep. by:-

The Inspector of Police,
Gobinathampatti Police Station,
Dharmapuri District. ... Respondent
[Cr. No.96 of 2024]

For Petitioners : Mr. J. Bharathi Raja
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioners/Accused in Crime No.96 of 2024 on the file of the respondent police.

ORDER



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The petitioners/accused, who were arrested and remanded to judicial custody on 16.07.2024 for the offences punishable under sections 8(c) r/w 20(b)(ii)(B), 29(1) of Narcotics Drugs & Psychotric Substances Act, 1985 in Crime No.96 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 16.07.2024, the petitioners along with other accused persons found in illegal possession of 1.010 kgs of Ganja and they were enquired near Old Bridge of Gobinathampatti X Road, Dharmapuri District. Along with contraband, two vehicles bearing registration Nos.TN66-AK-5403 (VESPA) and TN29 BT 8979 (TVS STAR CITY) were also seized from them. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are doing textile business and selling clothes in their two whellers and they are innocent persons and a false case has been foisted against him. They are the sole bread winners of their families and they are in judicial custody for the past three weeks. Hence, he seeks bail.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioners were arrested and remanded to judicial custody on 16.07.2024 for illegal possession of 1.010 kgs of Ganja. The properties along with two wheeler vehicles were seized from the accused. Hence he objected to grant bail to the petitioners.

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

6. Considering the rival submissions on either side and considering the nature of offences, considering the quantity of materials involved in this case and taking into consideration the period of incarceration, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, each of the petitioners is ordered to be released on bail on condition to execute 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 No.II, Dharmapuri** and on further conditions that:

[b] the petitioners shall report before the concerned



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jurisdictional Magistrate Court i.e., Judicial Magistrate No.II,

Dharmapuri daily at 10.30 A.M. until further orders.

[c] the petitioners shall not commit any offences of similar nature.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 269 B.N.S.

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index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

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To

- 1.The Judicial Magistrate No.II, Dharmapuri
- 2.The Inspector of Police,
Gobinathampatti Police Station,
Dharmapuri District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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