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CRL O.P. No.22002 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :10.09.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.22002 of 2024

Ramesh S/o. Marimuthu

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.
[Cr. No.215 of 2024]

... Respondent

For Petitioner : Mr.P.Veera Narayanan
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

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

PRAYER: - The Criminal Original Petition is filed under Section 483 of the BNSS praying to grant bail to the petitioner in Crime No.215 of 2024 on the file of the respondent police.



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ORDER

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The petitioner/accused, who was arrested and remanded to judicial custody on 01.06.2024 for the offence punishable under Sections 8(c), 20(b)(ii)(B), 25 and 29 (1) of NDPS Act, 1985, in Crime No.215 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was arrested and remanded to judicial custody on 01.06.2024, for illegal possession of 2.800 Kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him. He would further submit that there is no previous case as against the petitioner and he is no way connected with the said occurrence. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was arrested and remanded to judicial custody on 01.06.2024, for illegal possession of 2.800 Kgs of Ganja. He would



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submit that the petitioner was detained under proceedings under Act 14, 1982, and the same was quashed. Hence he opposed to grant bail to the petitioner.

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

6. Considering the representation made on either side and considering the fact that the petitioner was initially detained under proceedings under Act 14, 1982, and later it was quashed by this Court and taking into consideration the nature of offence and quantity of contraband materials involved in this case is not a commercial quantity and there is no previous case pending against the petitioner and also considering the period of incarceration undergone by the petitioner, I am inclined to grant ***bail*** to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties each for a like sum to the satisfaction of the learned *Principal Special Court under EC & NDPS Act Cases, Chennai*, and on further conditions that:

[b] the petitioner shall report *before the NDPS Court, Chennai, on all working days until further orders.*

[c] the petitioner shall attend in accordance with the conditions of the bond.

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

[e] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected.

[f] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action



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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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

10.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
ssa

To

- 1.The Principal Special Court under EC & NDPS Act Cases, Chennai.
- 2.The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.
- 3.The Central Prison, Puzhal, Chennai.
- 4.The Government Advocate (Crl.Side), High Court, Madras.



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P.DHANABAL,J.

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