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CrI.O.P.No.23408 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.23408 of 2024

1. MD Tabrej

2. MD Jafruddin

...Petitioners/A1 and A2

Vs.

The State Rep. By
The Inspector of Police,
Thirumuruganpoondi Police Station,
Tiruppur.
(Crime No.544 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail in Crime No.544 of 2024 on the file of respondent police.

For Petitioners : Mr.P.Thinesh

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

ORDER



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The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 29.08.2024 for the offences under Sections 123, 275 and 286 of the BNS in Crime No.544 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners, along with other accused, were found in illegal possession of 650 grams of Ganja Chocolate. Hence, the complaint.

3. Learned counsel appearing for the petitioners/A1 and A2 submitted that the petitioners are innocent persons and they have been falsely implicated in this case; and that they have not committed any offence as alleged in the FIR. He further stated that the petitioners have been in judicial custody since 29.08.2024; that the petitioners are law-abiding citizens, and they are ready and willing to furnish substantial sureties for their due release on bail and to abide by any conditions that may be imposed by this Court; and therefore, he prayed for the grant of bail for the petitioners.

4. Learned Government Advocate (Crl.Side) for the respondent



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police submitted that the petitioners, along with other accused, were found in illegal possession of 650 grams of Ganja chocolate for selling to the general public and that there are no previous cases pending against the petitioners. However, he vehemently opposed the grant of bail to the petitioners.

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

6. Considering the representation made by both sides, the nature of the offences charged against the petitioners, the quantity of material involved in this case, that there are no previous cases pending against the petitioners and also taking into consideration the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



only) each with two sureties, each for a like sum to the satisfaction of the learned *Judicial Magistrate, Avinashi, Tiruppur* and on further conditions that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for the interrogation;

[b] the petitioners shall attend in accordance with the conditions of the bond;

[c] the petitioners shall not commit any offences of similar to the offence of which they are accused, or suspected, or of the commission of which they suspected;

[d] the petitioners 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the petitioners shall not abscond 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



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Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

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

24.09.2024

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To

- 1.The Judicial Magistrate,
Avinashi, Tiruppur.
- 2.The Central Prison,
Puzhal, Tiruppur.
- 3.The Inspector of Police,
Thirumuruganpoondi Police Station,
Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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