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Crl.O.P.No.23324 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23324 of 2024

1. Gokulkumar
2. Madhesh
3. Venkatesan

... Petitioners

Vs.

The State rep by
Inspector of Police
Gudiyatham Taluk Police Station,
Vellore District
(Crime No.402 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.402 of 2024 on the file of respondent police.

For Petitioner : Mr.C. Deepak Kumar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 11.07.2024 for the offences under Sections 8(c) and 20(b)(ii)(B) and 25,29(1) of Narcotic Drugs @ Psychotropic Act, Section 25(1)(a) of arms Act, 1959 and Section 123 of BNS in Crime No.402 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 possession of 12 kilograms of ganja. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He would further submit that the petitioners were arrested and is in judicial custody from 11.07.2024 and is ready to abide by any conditions that may be imposed by this Court. He further submitted that inadvertently he has



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mentioned the satisfaction Court as Judicial Magistrate, Gudiyatham whereas the correct one is Judicial Magistrate-II, Salem. Hence, he prayed bail for the petitioners.

4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioners by stating that the petitioners along with other accused were found in illegal possession of 12 kilograms of ganja. He further submitted that there are five previous cases pending against the petitioners.

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

6. Considering the representation made on both sides and the quantity of material involved in this case is not a commercial quantity, the petitioners have some previous cases, in all cases, bail was granted to 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:



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7. Accordingly, the petitioners are 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 **Judicial Magistrate-II, Salem** and on further conditions that:

[a] **the petitioners shall report before the respondent police on every day at 10:30 a.m until further orders**

[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 he is accused, or suspected, or of the commission of which he is 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 him 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



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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]; and

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

23.09.2024

smn

To

1.The ***Judicial Magistrate-II, Salem***

2.The Central Prison at Salem

3.Inspector of Police
Gudiyatham Taluk Police Station,
Vellore District

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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