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CRL O.P. No.23492 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.23492 of 2024

Tuna Swain,
S/o.Purastam Swain

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
PEW- Vellore Police Station,
Vellore District.
[Cr.No.518 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.518 of 2024 on the file of the respondent police.

For Petitioner : Mr.C.Deepakkumar

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



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ORDER

The petitioner/Accused, who were arrested and remanded to judicial custody on 17.08.2024 for the offences punishable under sections 8(c) r/w.20(b)(ii)(B) of NDPS Act in Crime No.518 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.08.2024, the respondent police was conducted check up, at that time, they found the petitioner in illegal possession of 4Kg. of ganja. Hence, the complaint.

3. The learned counsel for the petitioner would contend that this petitioner is not at all connected or involved in the said offence. This petitioner has been falsely implicated in this case. This petitioner is innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner. He further submitted that in the bail petition the name of the satisfaction Court is wrongly mentioned as Judicial Magistrate at Katpadi instead of Judicial Magistrate No.3, Salem.



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4. The learned Government Advocate (Criminal Side) would submit that the respondent police found the petitioner in illegal possession of 4Kg. of ganja. There is no previous case is pending against the petitioner. This petitioner was arrested and remanded to judicial custody on 17.08.2024. However, the learned Government Advocate (Criminal Side) is strongly opposed to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the nature of offence and the quantity of contraband involved in this case is not comes under the commercial quantity and there is no previous case is pending against this petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



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[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 Thousand only) with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.3, Salem** and on further conditions that:

[b] the petitioner shall report before the Special Court for EC & NDPS Act Case, Salem District on every working day at 10.30a.m. until further orders;

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

[d] the petitioner shall not commit any offence similar to the offence of which they are accused; or suspected, or of the commission of which they are suspected; and



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[e] 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;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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].

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

24.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J

gvn

To

1.The Judicial Magistrate No.3,
Salem.

2. The Special Court for EC & NDPS Act Cases,
Salem District.

3. The Inspector of Police,
PEW- Vellore Police Station,
Vellore District.

4. Central Prison, Salem.

5.The Public Prosecutor,
High Court, Madras.

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