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Crl.O.P.No.26037 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26037 of 2024

1. Sagar Mahananda

2. Pinku Bibhar

3. Siba Mahanand

...Petitioners/Accused Nos. 1 to 3

Vs.

The State represented by
The Inspector of Police,
Velampalayam Police Station
Tiruppur District.
(Crime No.620 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail in Crime No. 620 of 2024 on the file of the respondent.

For Petitioners : Mr.S. V. Karthikeyan

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 30.08.2024 for the offences under Sections 8(c), read with 20(b)(ii)(B), of NDPS Act in Crime No.620 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 15 kgs of Ganja. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizens and they are ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) submitted that totally there are five accused in this case and the petitioners along with other accused were found in possession of 15 kgs of Ganja. He would further submit that 3kgs of Ganja has been recovered from the first petitioner and no recovery has been made against the accused Nos. 2 and 3 and there are no previous cases against the petitioners.

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

6. Considering the submissions made on both sides, considering the nature of offences charges against the petitioners, the quantity of material involved in this case and the fact that the contraband was recovered only from the first accused and no recovery from the accused Nos. 2 and 3 and also taking into consideration the period of incarceration undergone by the petitioners from 30.08.2024 and the fact that no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

[a]. 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



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satisfaction of the learned **Judicial Magistrate-III, Tiruppur**, and on further conditions that:

[b] the petitioners shall report before the learned Additional District Court/ Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, on all working days at 10.30 a.m., until further orders;

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

[d] The petitioners 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;

[e] The petitioners shall not abscond either during investigation or trial;



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[f] 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 evidence;

[g] on breach of any of the aforesaid conditions, the learned 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]; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

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vsg



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P.DHANABAL, J.

vsg

To

- 1.Judicial Magistrate-III, Tiruppur.
- 2.Central Prison, Coimbatore.
- 3.The Inspector of Police,
Velampalayam Police Station
Tiruppur District.
- 4.The Public Prosecutor,
High Court of Madras.

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