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Crl.O.P.No.25992 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26405 of 2024

Kandhasami

...Petitioner/Accused

Vs.

The State rep by
Inspector of Police,
Pallapatty Police Station
Salem District.
(Crime No.1054 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Cr.No. 1054 of 2024 on the file of the respondent police.

For Petitioner : Mr. C.Deepakkumar

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



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ORDER

The petitioner, who was arrested on 23.09.2024 and remanded to judicial custody on the same day for the offences under Section 123 of BNS and Sections 8(c) read with 20(b)(ii)(A) of NDPS Act, in Crime No.1054 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 200 grams of Ganja and also 191 Tapentadol 100 mg tablets. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) objected for granting bail to the petitioner stating that the petitioner was found in possession of 200 grams of Ganja and also 191 Tapentadol 100 mg tablets and there is no previous case against the petitioner.

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

6. Considering the submissions made on both sides, the quantity of material involved in this case, and also taking into consideration the period of incarceration undergone by the petitioner from 22.09.2024 and the contraband involved in this case is not a commercial quantity and also the petitioner has no previous case, this Court is inclined to grant bail to the petitioner with certain conditions:

[a]. Accordingly, the petitioner is 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 court of ***Judicial Magistrate Court No.2, Salem***, and on further conditions that:



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[b] the petitioner shall report before the NDPS Court, on all working days at 10.30 a.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 he is accused, or suspected, or of the commission of which he is suspected;

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

[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 evidence;

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



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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]; and

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

24.10.2024

vsg

To

1. Judicial Magistrate Court No.2, Salem.
2. Central Prison, Salem.
3. Inspector of Police,
Pallapatty Police Station
Salem District.
4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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