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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.27684 of 2024

Sugukumar

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Rasipuram Police Station,
Namakkal District.
Crime No. 649 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail in Spl.CC.No. 69 of 2024 on
the file of Additional District Judge and Presiding Officer, Special Court
under EC Act.

For Petitioner : Mr.C.Deepakkumar
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **01.04.2024** for the alleged offences punishable under Sections **8 (c) , 20(b)(ii)(c) , 25, 29(i) of NDPS Act, in crime No. 649 of 2023** on the file of the respondent, seeks bail.

2. The case of the prosecution is that based on the secret information with regards to selling of Ganja at Tiruvallur Government Arts College, Namakkal, on 18.01.2024, at about 12.00 pm the respondent police conduct search with the petitioner and found fifty kilograms of Ganja. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and also the contraband was not seized from the petitioner. Further, he stated that for more than 6 months the petitioner is in custody. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that based on the confession the petitioner has been implicated in this case, who instructed the other accused to purchase the contraband.



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Hence, raised objection to grant bail.

5. Considering the facts and circumstances of the case and also the petitioner is in custody for more than 6 months. Further, based on the confession the petitioner has been implicated in this case and the contraband was not recovered from this petitioner and also there is no previous case against him and the Judgement of Apex Court in CrI.A.No. 1247 of 2024 is squarely applicable to the facts of the case. Hence, this Court is inclined to grant bail to the petitioner.

6. 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 (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate - 2, Salem** , and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or



Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three months. Further, the petitioner shall deposit a sum of Rs.10,000/- to the credit of registered Advocate clerks' Welfare Association, Namakkal.

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Judicial Magistrate - 2, Salem.**
2. The Inspector of Police
Rasipuram Police Station,
Namakkal District.
3. The Central Prison, Salem
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 27684 of 2024

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