



Crl.O.P.No.27825 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27825 of 2024

Harish Kumar

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police
Ambur Taluk Police Station
Tirupattur District
(Crime No.669 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.669 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Magesh Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 08.10.2024, seeking bail in Crime No.669 of 2024 registered for the offence under Sections 8(c) and



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20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023.

2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 100 grams of Ganja in which, 50 grams of Ganja was recovered from this petitioner. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 08.10.2024 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused was found in illegal possession of 100 grams of Ganja in which, 50 grams of Ganja was recovered from this petitioner. He further submitted that there is no previous case against the petitioner. However, he opposed for granting bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned



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Government Advocate (CrI.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and that there is no previous case against the petitioner also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 in which, one surety shall be either the father or mother of the petitioner**, each for a like sum to the satisfaction of the **learned Additional District Munsif-cum-Judicial Magistrate, Ambur, Tirupattur District**, 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



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respondent Police, everyday at 10.30 a.m., until further orders;

[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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To
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1. The Additional District Munsif-cum-Judicial Magistrate,
Ambur, Tirupattur District
2. The Sub-Inspector of Police
Ambur Taluk Police Station
Tirupattur District
3. The Central Prison,
Vellore
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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