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CrI.O.P.No.29024 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

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

CrI.O.P.No.29024 of 2024

S.Boopathi

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Hasthampatty Police Station,
Salem District.
(Crime No.338 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.338 of 2024 on the file of the respondent Police.

For Petitioners : Ms.A.Nethra

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

ORDER

This Criminal Original Petition has been filed by the
petitioner/A1, who was arrested and remanded to judicial custody on
28.10.2024, seeking bail in Crime No.338 of 2024 registered for the
offence under Section 77 of Juvenile Justice(Care and Protection of



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Children) Act, 2015 read with Section 8(c) and 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that the petitioner had sold the banned Narcotic Drugs to school going and hostel students of Yuvabharathi School and was found in illegal possession of 700 grams of Ganja. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he had been falsely implicated in this case. He has also submitted that the petitioner is in custody from 28.10.2024 and he has no previous case against him and that he is 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, while opposing for the grant of bail to the petitioner/A1, had submitted that the petitioner had sold Ganja to the school going and hostel students of Yuvabharathi School and was found in illegal possession of 700 grams of Ganja and he has involved in four



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previous cases.

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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also 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.15,000/- (Rupees Fifteen Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, 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



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respondent Police, everyday at 06.30 p.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 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]***;

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

21.11.2024

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To

1.The Judicial Magistrate No.III, Salem.

2.The Inspector of Police,



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Hasthampatty Police Station,
Salem District.

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3.The Superintendent, Central Prison,
Salem.

4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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