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Crl.O.P.No.29588 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

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

Crl.O.P.No. 29588 of 2024

Vignesh

... Petitioner

Vs.

The State
rep. by Inspector of Police,
Walajapet Police Station.
(Crime No. 538 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in connection with the case in Crime No.538 of 2024 on the file of the respondent Police.

For Petitioner : Mr.J. Titus Enock

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

ORDER

Petition seeking bail in respect of Crime No.538 of 2024 registered for the offences punishable under Sections 8(c), 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 and u/s.77 of Juvenile Justice (Care and Protection of Children) Act, 2015 is on board for consideration.



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2.The incarceration of the petitioner being from 11.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner was found to be in possession of 60gms of Prohibited Narcotic Substance namely, 'Kanja' and selling it near school premises. He further submits that there are two previous cases against the petitioner.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter affidavit filed by the respondent, this court is inclined to grant bail to the petitioner with certain conditions and 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.II, Walajapet, and on further conditions that:

[a] the sureties shall affix their photographs and Left



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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, 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 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 of B.N.S.

26.11.2024

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A.D.JAGADISH CHANDIRA., J.

sai

To

1. The Judicial Magistrate No.II,
Walajapet.
2. The Inspector of Police,
Walajapet Police Station.
3. The Superintendent,
Sub Jail, Walajapet.
4. The Public Prosecutor,
High Court of Madras.

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