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CRL OP NO. 30624 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30624 of 2024

David Kumar
S/O. SIMON, No.1/52, Vanniya Street,
Thirukovilour Main Road, Eriyayur Village,
Uladurpet Taluk, Kallakurichi District -607201

Petitioner(s)

Vs

The State Rep By Its
The Sub Inspector Of Police,
Elavanasoorkottai Police Station,
Kallakurichi District Crime No. 320 Of 2023.

....Respondent(s)

Criminal Original Petition filed under Section 482 of BNSS Act, 2023
praying to enlarge he petitioner on bail in the event of his arrest in
connection with Crime No. 320 of 2023 on the file of respondent police.

For Petitioner(s): Mr.P. Jayachandran

For Respondent(s): Mr.S.Santhosh, Govt. Adv. Crl.Side

ORDER

Apprehending arrest in connection with Crime No.320 of 2023
registered for the offences punishable under Sections 20 (b) (ii) (A) and 8
(c) NDPS Act, the present petition has been filed seeks anticipatory bail.



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2. The case of the prosecution is that on 29.08.2023, at around 1.15pm, the respondent police were on patrolling duty based on a secret information received regarding prohibition offences. During which, the petitioner was found in illegal possession of 50 grams of Ganja. Hence the complaint.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on 29.08.2023, at around 1.15pm, the respondent police were on patrolling duty based on a secret information received regarding prohibition offences. During which, the petitioner was found in illegal possession of 50 grams of Ganja. He further submits that



no previous case against the petitioner.

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5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ulundurpet, on condition that the petitioner shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner and 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;



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[c] the petitioner shall report before the respondent Police everyday at 6.30 pm until further orders;

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

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

[f] 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];

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

12-12-2024

MSM

To

1. The State Rep By Its
The Sub Inspector Of Police, Elavanasoorkottai Police
Station, Kallakurichi District Crime No. 320 Of 2023

2. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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