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CRL.O.P.No.31583 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM:

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

CRL.O.P.No.31583 of 2024

Murugan

... Petitioner

Versus

State rep.by
The Inspector of Police,
PEW – GOBI Police Station,
Erode District.
(Crime No.895 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
to enlarge the petitioner on bail in Crime No.895 of 2024 on the file of
the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

WEB COPY Petition seeking bail in respect of Crime No.895 of 2024 registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 is on board for consideration.

2.The incarceration of the petitioner being from 25.10.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is innocent and a false case has been foisted against him. He further submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/- to any welfare scheme of the Government or any other organization. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.



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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 on receipt of secret of information, the respondent Police had gone to R.K Puthur Bus Stop and found that the petitioner/A2 was in illegal possession of 2 kgs of ganja. He also submits that based on the confession of the petitioner, it reveals that he had purchased ganja from A1 and thereafter, 9 kgs of ganja was seized from A1's house. He also submits that the petitioner has no previous case pending against him.

4.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Dean, Rajiv Gandhi Government General Hospital, Chennai bearing A/c.No.10273425961 and IFSC Code:SBIN0001856, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



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5. Further, 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 and also considering the period of incarceration undergone by the petitioner, 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.I, Bhavani, 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, 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;



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[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.

18.12.2024

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To

1.The Judicial Magistrate No.I,
Bhavani.

2.The Inspector of Police,
PEW – GOBI Police Station,
Erode District.



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3.The Superintendent,
Central Prison, Erode.

4.The Public Prosecutor,
High Court of Madras.

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