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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2846 of 2025

Samikannu ... Petitioner

Vs.

The State of T.N (Reps. by the Inspector of Police)
Kachirapalayam Police Station,
Kachirapalayam, Kallakurichi District ... Respondent
(Crime No.07 of 2025)

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.07 of 2025, on the file of the respondent police.

For Petitioner : Mr.D.Babu Varadharajan

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

O R D E R

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 05.01.2025, seeking bail in Crime No.07 of 2025 registered for the offence under Sections 8(c), 20(b)(ii)(B) of the NDPS Act.

2.The case of the prosecution is that on information, the respondent had arrested the petitioner/A1 along with the other accused, who were found to be in possession of 1 kg and 90 grams of ganja.

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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 05.01.2025 and 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 grant of bail to the petitioner, reiterated the case of the prosecution. The learned Government Advocate further submitted that the there are no previous cases against the petitioner.

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.Considering the nature of allegations, period of incarceration undergone by the petitioner, quantity of contraband seized in this case, the fact that the petitioner has no bad antecedents, this Court finds that further custody of the petitioner is not required. Therefore, 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

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Magistrate No.I, Kallakurichi, Kallakurichi 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 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.

12.02.2025

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SUNDER MOHAN, J.
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To

1.The Judicial Magistrate No.I,
Kallakurichi, Kallakurichi District

2.The Inspector of Police,
Kachirapalayam Police Station,
Kachirapalayam, Kallakurichi District

3.The Superintendent,
Central Jail, Cuddalore.

4.The Public Prosecutor,
High Court of Madras.

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