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Crl.O.P.No.3220 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3220 of 2025

N.Aswin @ Aswin Kumar

... Petitioner

Vs.

The State, Rep. by
The Inspector of Police
Anuparpalayam Police Station
Tiruppur District
(Crime No.1090 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.1090 of 2024, on the file of the respondent police.

For Petitioner : Mr.K.Prabhakaran

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 27.12.2024, seeking bail in Crime No.1090 of 2024 registered for the offence under Sections 8(c) r/w.20(b)(ii)(B) and 29(1) of the NDPS Act.

2.The case of the prosecution is that on information, the respondent had arrested the petitioner/A2 and the other accused, who were found to be in



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possession of 6.100 kgs 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 27.12.2024 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 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 allegation, counter affidavit filed by the respondent and the fact that there are no previous cases against the petitioner, the quantity of contraband seized from the petitioner is an intermediate quantity and the period of incarceration undergone by the petitioner, 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



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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.3, Tiruppur, 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.

10.02.2025

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To



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SUNDER MOHAN, J.
sai

1.The Judicial Magistrate No.3,
Tiruppur

2.The Inspector of Police
Anuparpalayam Police Station
Tiruppur District

3.The Superintendent,
Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

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