



Crl.O.P.No.5055 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5055 of 2025

Sarathkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mangalam Police Station.
Tiruppur District.
(Crime No.68 of 2025).

... Respondent

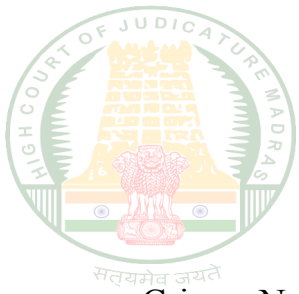
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, pending investigation in Crime No.68 of 2025, on the file of the respondent Police.

For Petitioner : Mr.K.Gopinath

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

ORDER

This Criminal Original Petition has been filed by the Petitioner/A1, who was arrested and remanded to judicial custody on 24.01.2025, seeking bail in



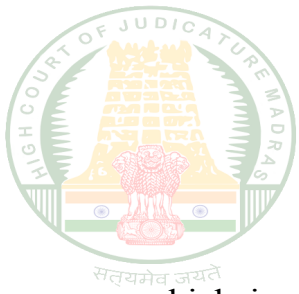
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Crime No.68 of 2025 registered for the offence under Sections 8(c) r/w 20(b)(ii)(A) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and under Section 131, 61(2) of BNS and under Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2.The case of the prosecution as per the defacto complainant is that the petitioner, along with other accused persons were found to be in possession of 130 grams of Ganja; that they were selling ganja to the school-going children in order to make an unlawful gain; and that the respondent has seized the contraband. Hence the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated; that even as per the prosecution, the alleged contraband seized from the petitioner is only an intermediate quantity; and that the petitioner is in custody from 24.01.2025, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that 60 grams of ganja was seized from the petitioner/A1,



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which is an intermediate quantity; that there are six previous case pending as against him; and that two cases are pending against the petitioner under NDPS Act and the remaining cases are IPC offences.

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 fact that the quantity involved is an intermediate quantity, period of incarceration, contraband was seized, though the petitioner has 6 previous cases, in all the cases, he is on bail, and since further custody is not required for the purpose of investigation, 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 Magistrate No.IV, Tiruppur.**



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[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.

25.02.2025

drl



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To

1. The Judicial Magistrate No.IV,
Tiruppur.
2. The Inspector of Police,
Mangalam Police Station.
Tiruppur District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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