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Crl.O.P.No.9084 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.9084 of 2025

Arunkumar

...Petitioner/Accused

Vs.

The State Rep. By
The Sub Inspector of Police,
Kondalampatty Police Station,
Salem District.
(Crime No.81 of 2025)

....Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner/Accused on bail in Crime No.81 of 2025 on the file of the respondent.

For Petitioner : Mr.T.Dhasarathan

For Respondent : Ms.J.R.Archana,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 26.02.2025 seeking bail in Crime No.81 of 2025 registered for the offence under Sections 8(c) and



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20(b)(ii)(A) of NDPS Act r/w Section 77 of the Juvenile Justice (Care and Protection of Children Act).

2.The case of the prosecution is that the petitioner was found in illegal possession of 100 grams of ganja. Hence the case.

3.Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that the contraband was seized and that the petitioner is in custody from 26.02.2025 and hence, he may be released on bail.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing the grant of bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner has no bad antecedents and that the contraband has been seized from the petitioner.



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5.Considering the period of incarceration and the fact that the petitioner has no bad antecedents and the contraband has been seized is only a small quantity and since further custody is not required for the purpose of interrogation, this Court is inclined to grant bail to the petitioner with certain conditions.

6.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 **Judicial Magistrate V, Salem**, 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;



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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 B.N.S.

27.03.2025

rkp

Copy to:

- 1.The Sub Inspector of Police,
Kondalampatty Police Station,
Salem District.
- 2.Central Prison, Salem.
- 3.The Judicial Magistrate V, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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