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Crl.O.P.No.19249 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19249 of 2025

Murugesan

... Petitioner/Accused

Vs.

State Rep. By
The Inspector of Police,
Bargur Police Station,
Erode.
(Crime No.30 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.30 of 2025 on the file of the respondent police.

For Petitioner : Mr.D.Nandha Gopal

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.06.2025, for the offence punishable under Sections 8(c) r/w 20(a)(i) of



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Narcotic Drugs & Psychotropic Substances Act, 1985 in connection with Crime No.30 of 2025, registered on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner had cultivated three Cannabis plants (Ganja) in his land. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner had cultivated three Cannabis plants (Ganja) in his land weighing around 350 grams. Hence, he strongly opposed for granting bail to the petitioner.

5.Heard the learned counsel appearing on both sides.



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6.Considering the submissions made on either side and the period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Bhavani** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of three weeks and thereafter as and when required for interrogation;

[c] the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[d] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this



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regard;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

17.07.2025

rsi

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To

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1.The Judicial Magistrate No.II,
Bhavani.

2.The Inspector of Police,
Bargur Police Station,
Erode.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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