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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM:

THE HON'BLE MR.JUSTICE DR.G.JAYACHANDRAN

Cr1.O.P.No.4920 of 2022

Vimal Raj

.. Petitioner

Vs.

The State Rep. by
The Inspector of Police,
St. Thomas Mount Police Station,
Alandur, Chennai.
(crime No.324 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.324 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Pandian

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner/A-4, who was arrested and remanded to judicial custody on 30.12.2021 for the offences punishable under Sections 8(c), 17(a), 21(a), 22(a) of NDPS Act, in Crime No.324 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner herein, who was found in possession of 700 TYDOL tablets (70 x 10) along with other accused was arrested on 30.12.2021. The present petition has been filed on the ground that the said tablet does not fall under any of the prohibited manufacturer drug prescribed under NDPS Act. Furthermore, the petitioner is languishing in jail for more than 60 days and the substantial portion of investigation was already over and other co-accused has already been released on bail, hence he may be released on bail to face the trial.



3. The learned Additional Public Prosecutor would submit that the chemical analysis report in this case is still awaited and hence bail should not be granted.

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4. It is seen that except receipt of the chemical analysis report the substantial portion of investigation was completed and other similarly placed co-accused has already been released on bail. In view of the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Alandur.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to appear before the Investigating Officer daily at 10.30 a.m. until further orders;

(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 Judicial 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 229A IPC.

-sd/-

02/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,
NO.I, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
ST.THOMAS MOUNT, POLICE,
ALANDUR, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. A.RADHA Advocate on payment of necessary charges
SR.NO. 3199

CRL OP.4920/2022

Date :02/03/2022

RW 03/03/2022