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CrI.OP.No.17794 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.17794 of 2022

Prabhu @ Nattamai Prabhu

..Petitioner

Vs.

The State Rep by,
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai- 602 021.
Crime No.290 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge them on bail pending investigation in Crime No.290 of 2022 on the file of the Inspector of Police, H.6.R.K.Nagar Police Station, Chennai- 600 021.

For Petitioner : Mr.J.Ramesh

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.05.2022 for the offence under Sections 8(c), 20(b)(ii)(B) and 29(i) of Narcotic Drugs & Psychotropic Substances Act 1985 in crime No.290 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in possession of 1.5 kgs of Ganja for the purpose of selling it to the general public. Hence, the case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 06.05.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons was found in possession



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1.5kgs of Ganja for the purpose of selling it to the general public. He would also submit that there are twelve previous cases pending against the petitioner and all the accused were in possession of contraband below commercial quantity. Hence, he opposed for granting bail to the petitioner.

5. Considering the above facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the the petitioner shall deposit a sum of Rs.15,000/-(Rupees Fifteen Thousand only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and on such deposit 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 **XV Metropolitan Magistrate Court, George Town, Chennai** and on further conditions that :-



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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] petitioner shall deposit a sum of Rs.15,000/-(Rupees Fifteen Thousand only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall stay at Krishnagiri and report before the Inspector of Police, Krishnagiri Town Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

29.07.2022

Sma

To

1. XV Metropolitan Magistrate Court,
George Town, Chennai.
2. The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai- 602 021.
3. Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras

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G.K.ILANTHIRAIYAN, J.
Sma

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