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CrI.O.P.No.17749 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

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

CrI.O.P.No.17749 of 2022

K.Dhinesh @ Dineshkumar

... Petitioner

Vs.

State, Rep. by
Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai – 600 021.
Cr.No.105 of 2021

... Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge him on bail pending in Cr.No.105 of 2022 before the Inspector of Police, H-6, R.K.Nagar Police Station who has said to have filed the Charge Sheet before the Special Judge, II Additional Special Court for Exclusive Trial of Cases under NDPS Act at Chennai which is yet to be numbered.

For Petitioner : Mr.S.Apunu

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.02.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(A), 22(c) & 29(1) of NDPS Act in Crime No.105 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the petitioner was found in possession of Nitrovit 10 tablets - 40 strips (each strips containing 30 tablets). Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Further, on instruction, he would submit that in order to show their bonafide, the petitioner is ready and willing to deposit a sum of Rs.25,000/- to **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**. That apart, the petitioner was arrested and remanded to judicial custody on 02.02.2022. Hence, he prays for grant of bail to the petitioner.



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4. It is seen that, the prosecution has seized 1200 tablets (each strips containing 30 tablets) and each tablets weigh about 0.554 mgs which is equal to 0.000554 gms. Therefore, 1200 tablets (664.8 mg which is equals to 0.6648 gms), which is not a commercial quantity. That apart, there was no recovery from the petitioner, only on the confession statement of first accused, the petitioner has been implicated in this case.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner ie., from 02.02.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.25,000/-(Rupees twenty five thousand only) directly to **Adyar 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 **Special Court under EC & NDPS Act at Madras** 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] the petitioner shall deposit a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) directly to the **Adyar 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 report before the respondent police twice daily at 10.30.a.m., and 04.30.p.m., for a period of six weeks and thereafter as and when required for interrogation;

[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.

[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



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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.

03.08.2022

sma

To

1. Special Court under EC & NDPS Act,
Madras
2. Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai – 600 021.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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