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Crl.OP.No.19369 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2022

CORAM

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

Crl.OP.No.19369 of 2022

Johnson

...Petitioner

Vs.

State represented by
The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
(Crime No.514 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.514 of 2022 on the
file of the respondent pending investigation.

For Petitioner

:Mr.R.Rajan

For Respondent

:Mr.A.Gopinath

Govt Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.07.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act 1985 in crime No.514 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner was found in possession of 1.120 kgs of ganja. 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. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner is an habitual offender having 6 previous cases pending against him. Hence, he vehemently opposed for grant of bail to the petitioner.



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5. Considering the fact that the seized quantity is not a commercial quantity and also considering the period of incarceration by the petitioner from the date of their arrest i.e., 09.07.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing separate bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of the **learned Principal Special Judge for EC NDPS at Madras** 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 stay at **Coimbatore** and report before **Peelamedu Police Station** twice daily at **10.30.a.m., and 04.30.p.m.,** for a period of six weeks and thereafter report before the respondent police twice daily at **10.30 a.m. and 5.30 p.m.,** for a period of six weeks and thereafter as and when required for **interrogation;**



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[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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

16.08.2022

Sma



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To

1. Principal Special Judge for EC NDPS,
Madras
2. The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
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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