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Crl.OP.No.21831 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

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

Crl.OP.No.21831 of 2022

M.Giri @ Giridharan

..Petitioner

Vs.

State Rep by:

The Inspector of Police,
H-1, Washermanpet P.S.,
Chennai.

(Crime No. 310 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.310 of 2022 on the file of the respondent Police.

For Petitioner : Mr.N.Nishar Ahamed

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.04.2022 for the alleged offence punishable under Sections 147, 148, 341, 323, 324, 307 of IPC and subsequently altered into



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Sections 147, 148, 341, 323, 324, 307 of IPC and Sections 8(c), 22(c), 29(1) of NDPS Act, 1985 in Crime No. 310 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was wordy quarrel between the two groups in a cinema theatre, in which, the petitioner along with other accused attacked the defacto complainant with deadly weapons. The respondent police went to the place of occurrence and thereby seized brandy bottles, knives along with 25 tablets of MDMA Ecstasy (13.5 grams). Hence, the case

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that there are totally ten accused involved in this case and the



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petitioner is arrayed as A10. It is alleged that the contraband seized from the accused person is a commercial quantity. The petitioner is having six other previous cases and not under NDPS Act. Therefore, the petitioner has made a prima-facie case to satisfy the conditions as contemplated under Section 37 of NDPS Act. Hence, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that the petitioner is arrayed as A10. Even according to the prosecution, the contraband seized from A1. Initially, the petitioner was surrendered for the offence under Sections 147, 148, 341, 323, 324, 307 of IPC, subsequently he was implicated in the present case and added the offences under NDPS Act. He was not in a possession of contraband.

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



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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 blood related sureties**, each for a like sum to the satisfaction of the XV Metropolitan Magistrate, George Town, Chennai 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 report before the respondent Police daily Morning at 10.30 a.m. and Evening at 5.30 p.m. until further orders.

[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]**.



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

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.

2. The Inspector of Police,
H-1, Washermanpet P.S.,
Chennai.

3. Puzhal Prison, Chennai.

4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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