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Crl.OP.No.26180 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.OP.No.26180 of 2022

Ajith @ Ajith Kumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
F5, Choolaimedu Police Station,
Chennai.
Crime No.343 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/ accused on bail in Crime No.343 of 2022
on the file of the Inspector of Police, F5 Choolaimedu Police Station,
Chennai.

For Petitioner : Mr.Dhalapathy Vignesh Kumar

For Respondent : Mr.C.E.Pratap,
Government Advocate (crl.side),



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that, petitioner along with other accused were found in possession of 630 Nitrovet Tablets - 346.50 grams and the investigation is pending. He would further submit that, apart from this case, there is no previous case pending against the petitioner and no recovery has been made from the petitioner, however, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and other materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submission made by the learned counsel and also considering the fact that no recovery has been made from the petitioner, further, the contraband is not a scheduled substance listed in the scheduled Act, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on



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his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties (one surety shall be either Father or Mother of the petitioner)**, each for a like sum to the satisfaction of the **learned Principal NDPS Special Court at 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 at 10.30.a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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



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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;

08.11.2022

shk

To

1. The learned Principal NDPS Special Court at Chennai
- 2.The Inspector of Police,
F5, Choolaimedu Police Station,
Chennai.
3. The Sub jail,
Saidapet
4. The Public Prosecutor,
High Court of Madras.



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M. NIRMAL KUMAR,J.

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