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Crl.OP.No.2495 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 06.02.2023

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

Crl.OP.No.2495 of 2023

Vijaya Kumar

..Petitioner

Vs.

The State represented by  
The Inspector of Police,  
G-5, Secretariat Colony Police Station,  
Chennai.

(Crime No:73 of 2022)

..Respondent

**PRAYER:**Criminal Original Petition is filed under Section 439 of Cr.P.C.  
praying to enlarge the petitioner on bail in C.C.No.416 of 2022 on the file of the  
Principal Special Court under EC and NDPS Act, Chennai.

For Petitioner : Mr.K.Balakrishnan

For Respondent : Mr.A.Damodaran  
Additional Public Prosecutor

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on  
17.03.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(B) and  
29(i) of the NDPS Act, in Crime No.73 of 2022 on the file of the respondent  
Police, seeks bail.



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2. The case of the prosecution is that on 17.03.2022, based on the secret information, the respondent went to the place of occurrence and found that the petitioner and other accused were in illegal possession of 1.25 Kgs of Ganja and 10 Kgs of Hashish oil. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that there are totally two accused, in which the petitioner is arrayed as A1. Even according to the case of the prosecution, the petitioner was in possession of 1.25 Kgs of Ganja. A2 only was in possession of 10 kgs of Hashish oil. Now, the petitioner is suffering from all ailments due to his diabetic and he is taking treatment in the Intensive Care Unit. It was also confirmed by the learned Additional Public Prosecutor. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that on receipt of a secret information, a search was conducted and found that the petitioner and other accused were in illegal possession of 1.25 Kgs of Ganja and 10 Kgs of Hashish oil. He would further submit that this is the second bail application filed by the petitioner. Earlier petition filed by the petitioner was dismissed by this Court, on 06.06.2022, in



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Crl.O.P.No.11433 of 2022. Hence, he opposed to grant bail to the petitioner.

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5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and submissions of the learned counsel and the period of incarceration undergone by the petitioner from the date of his arrest i.e.,17.03.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431** 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 blood related sureties**, each for a like sum to the satisfaction of the II Metropolitan Magistrate, 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



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Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431.**

[c] the petitioner shall report before the Principal Special Court under EC and NDPS Act, Chennai 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.

[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.

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**G.K.ILANTHIRAIYAN, J.**

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To

1. The Principal Special Court under EC and NDPS Act, Chennai.
2. The II Metropolitan Magistrate, Chennai.
3. The Inspector of Police,  
G-5, Secretariat Colony Police Station,  
Chennai.
4. The Central Prison,  
Puzhal.
5. The Public Prosecutor,  
High Court of Madras.

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