



Crl.O.P.No.5625 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.5625 of 2023

Albert

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
G5, Secretariat Colony Police Station,
Chennai.

(Crime No.38 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.38 of 2023, pending on the file of respondent Police.

For Petitioners : Mr.N.Nishar Ahamed

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.02.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.38 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on receiving a secret information, the respondent Police along with his team went to the scene of occurrence and they found that the petitioner along with another accused were in illegal possession of Ganja, totally weighing about 3.7 kgs. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the contraband recovered from this petitioner is in-between quantity. He would also submit that the petitioner is ready to abide by any stringent conditions imposed that may be imposed by this Court and he is in judicial custody from 12.02.2023. Hence, he seeks for grant of bail to the petitioner.



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4.The learned Additional Public Prosecutor for the respondent submitted that the petitioner along with another accused were found to be in illegal possession of Ganja totally weighing about 3.7 kgs. He further submitted that the contraband recovered from this petitioner is 1.7 grams. He also submitted that there is one previous case registered under IPC pending against the petitioner. Hence, he opposed for grant of bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6.Taking into consideration the above facts and circumstances of the case and the submissions made by the learned counsel for the petitioner that the contraband involved in this case is in-between quantity and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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 sureties**, each for a like sum to the satisfaction of the **learned**



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Metropolitan Magistrate No.II, Egmore 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 trial Court daily at 10.30 a.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]*;

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

09.03.2023

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To

- 1.The Metropolitan Magistrate No.II, Egmore
- 2.The Inspector of Police,
G5, Secretariat Colony Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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