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Crl.O.P.No.7571 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

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

Crl.O.P.No.7571 of 2023

J.Harish

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-13, Chitlapakkam Police Station,
Pallikaranai.

(Crime No.353 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in C.C.No.234 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.A.Karthick

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side_)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.08.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), & 29(i) of NDPS Act, 1985 in C.C.No.234 of 2022 in connection with Crime No.353 of 2022 registered by the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with another accused was found in possession of 6 kgs 400 Grams of Ganja. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was arrested on 24.08.2022 and he has been in judicial custody for the past 220 days. He would also submit that the investigation has been completed and the charge sheet has been filed and the same has also been taken on file for trial in C.C.No.234 of 2022 on the file of the Special Judge, II Additional Special Court for Exclusive Trial of Cases



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under NDPS Act, Chennai. The petitioner is a permanent resident of Chennai and he is prepared to abide by any stringent condition that may be imposed by this Court and he is ready to co-operate for speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.side) appearing for the respondent submitted that the petitioner along with another accused were found in possession of 6 kgs 400 Grams of Ganja. He would further submit that the case is now posted for framing of charges on 10.04.2023 and there is no previous case pending against the petitioner. However, he would object for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts of the case and the submission made by the learned counsel on either side and the fact that the case is now at the stage of framing of charges and also considering the period



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of incarceration undergone by the petitioner from 24.08.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Principal Special Judge (EC & NDPS Court), 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 trial Court viz., The Special Judge, II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, on all working days at 10.30 a.m., till the charges are framed and and thereafter, on the dates fixed by the trial Court.

[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;



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[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.

06.04.2023

gbi

To

1. The Principal Special Judge (EC & NDPS Court), Chennai
2. The Special Judge,
II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai
3. The Inspector of Police,
T-13, Chitlapakkam Police Station,
Pallikaranai.
4. The Central Prison,
Puzhal, Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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