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Crl.O.P.No.7907 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

Crl.O.P.No.7907 of 2023

Vidiyal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-2 Ambattur Estate Police Station,
Chennai.
(Crime No.283 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.283 of 2022 on the file of respondent Police.

For Petitioner : Mr.O.Chembulingam

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 25.02.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, in connection with Crime No.283 of 2022, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution the petitioner along with other accused was found in possession of 1.100 Kgs of Ganja. Hence the complaint.

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 has been in the custody from 25.02.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that the petitioner/A3 had supplied Ganja to A2 and from A2, 1.100 Kgs of Ganja was recovered. Further he would submit that the petitioner has got five previous cases out of which one is similar in nature. Hence, he vehemently opposed for grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner submitted that without prejudice to his rights and defence, the petitioner is ready to deposit Rs.15,000/- to the Chair Person, Juvenile Justice Board, Chennai, to show his bonafide and prayed for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant bail to the petitioner with certain condition.

8. Accordingly, the petitioner is directed to make a non refundable



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deposit of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Chair Person, Juvenile Justice Board, Kellys, Chennai, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 Judicial Magistrate I, Ambattur, 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, everyday at 6.30 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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

13.04.2023

mfa

To

1. The Judicial Magistrate I,
Ambattur,
Chennai.
2. The Central Prison,
Puzhal.
3. The Inspector of Police,
T-2 Ambattur Estate Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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