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Crl.O.P.No.7916 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.7916 of 2023

T.Santhosh Kumar

... Petitioner

Vs.

The Inspector of Police,  
D2, Thiruvelangadu Police Station,  
Thiruvallur.  
(Crime No.139 of 2023).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner/accused on bail in Crime No.139 of 2023 on  
the file of the Inspector of Police, D2, Thiruvelangadu Police Station,  
Thiruvallur.

For Petitioner : Mr.M.R.Dhalapathy Vignesh Kumar

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 10.03.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in connection with Crime No.139 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution that the petitioner was found in possession of 1 Kg and 150 gms 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 and that he has been in judicial custody from 10.03.2023. He would submit that the petitioner 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 respondent police submitted that the petitioner was in possession of 1 Kg and 150 gms of Ganja and he has got one previous case under NDPS Act. Hence,



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he opposed 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 entire materials available on record.

6. 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.

7. Accordingly, the petitioner is directed to make a non refundable **deposit of Rs.20,000/- (Rupees Twenty 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 **Special Court for Essential Commodities and Narcotics Drugs and Psychotropic Substance Act, City Civil Court, Chennai** and on further conditions that:



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[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 10.30 a.m. for a period of two weeks and thereafter, on every Saturday 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.

**13.04.2023**

*mfa*



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1. The Special Court for Essential  
Commodities and Narcotics Drugs and  
Psychotropic Substance Act,  
City Civil Court, Chennai.
2. The Central Prison,  
Puzhal.
3. The Inspector of Police,  
D2, Thiruvelangadu Police Station,  
Thiruvallur.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

*mfa*

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