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CrI.O.P.No.11048 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

CrI.O.P.No.11048 of 2023

1.Anupkumar

2.Gadadhar Das

... Petitioners

Vs.

The State of Tamil Nadu,
Rep by its Inspector of Police,
PEW St.Thomas Mount Police Station,
Chennai.
(Crime No.100 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail, in Crime No.100 of 2023, on the
file of the respondent police.

For Petitioners : Mr.C.Deepakkumar

For Respondent : Mr.N.Muthuvel
Government Advocate (CrI.Side)



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4.Learned Government Advocate (Crl.Side) submitted that the petitioners were found in illegal possession of 5.100 Kgs of Ganja Leaves and 5.350 Kgs of Ganja Chocolate. Hence, he vehemently opposed to grant bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case and the period of incarceration undergone by the petitioners and the intermediate quantity seized from the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Principal Special Court for EC/NDPS Act, 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 petitioners shall report before the



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respondent police daily at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond during trial;

[d] the petitioners shall not tamper with evidence or witness during 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.

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dsa/Anu



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To
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1. The Principal Special Court for EC/NDPS Act, Chennai.
2. The Inspector of Police,
PEW St.Thomas Mount Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN,J.



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