



Crl.O.P.No.11397 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

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

Crl.O.P.No.11397 of 2023

Dhanush

... Petitioner

Vs.

State represented by
The Inspector of Police,
B-1, North Beach Police Station,
Chennai.
Crime No.86 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on Bail in Crime No.86 of 2023 on the file
of the respondent Police, North Beach Police Station, Flower Bazaar,
Chennai.

For Petitioner : Mr.V.Balamurugan
For Respondent : Mr.N.Muthuvel,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.03.2023 for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.86 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on receipt of a secret information, the respondent Police along with his team, went to the scene of occurrence and conducted a search during which, the petitioner/A1 was found in possession of 1.250 kgs. of Ganja. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Even as per the prosecution, the alleged quantity of Ganja is intermediate quantity and that the petitioner has been suffering incarceration from 26.03.2023 and that co-accused, namely, A2 and A4 were released on bail. Hence, he prayed to grant bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of bail to the petitioner stating that the petitioner is arrayed as A1 in this case and he was found in possession of 1.250 kgs. of Ganja to be sold to school and college students.

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

6.Taking into consideration the facts and circumstances of the case and considering the fact that co-accused, namely, A2 and A4 were released on bail and also the fact that the period of incarceration undergone by the petitioner and also considering the quantity of the contraband, 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**, for a like sum to the satisfaction of the **learned X**



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Metropolitan Magistrate-VII, George Town, 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 every Monday 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.

17.05.2023

vga/vum



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To

- 1.The Metropolitan Magistrate-VII,
George Town, Chennai.
- 2.The Inspector of Police,
B-1, North Beach Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN,J.

vga

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