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CrI.O.P.No.12747 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

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

CrI.O.P.No.12747 of 2023

Sundararasan
S/o Veera Tamilselvan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-10, M.G.R. Nagar Police Station,
Chennai.

(Crime No.174 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.174 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.05.2023, for the offences punishable under Section 328 of IPC in Crime No.174 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 and his team went to the scene of occurrence and they found that the accused were in illegal possession of 330 Tapentadol tablets. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is aged 23 years, is studying M.Sc (Botany) in Government Arts College, Nandanam and other than the fact that he is known to the other two accused, he has nothing to do with the alleged offence. He further submitted that even as per the prosecution, the alleged contraband is stated to have been recovered from A1 and A2 and that the petitioner, who was standing close by, was not aware of the possession of the contraband by the other co-accused. He also submitted that the petitioner is in custody from 15.05.2023, hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused was found to be in illegal possession of 330 Tapentadol tablets. He further submitted that no previous case is pending against the petitioner. Therefore, he opposed for grant of bail to the petitioner.

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, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner and also considering the age of the petitioner , 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**, (out of which, one should be either mother or father of the



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petitioner) each for a like sum to the satisfaction of the **learned XXIII**

Metropolitan Magistrate, Saidapet, 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 p.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]***;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

08.06 .2023

vkr

To

1. The XXIII Metropolitan Magistrate
Saidapet.
2. The Inspector of Police,
R-10, M.G.R. Nagar Police Station,
Chennai.
3. The Central Prison II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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