



Crl.O.P.No.14698 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.14698 of 2023

Rajesh @ Mendal

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
H1, Washermenpet Police Station,
Chennai.
(Crime No.207 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending in Crime No.207 of 2023 on the file of the respondent.

For Petitioner : Mr.V.Dinesh Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.05.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B), 29(1) of NDPS Act in Crime No.207 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is charged for possession of 1.200 kilograms of ganja. Petitioner is in judicial custody from 24.05.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, petitioner has two criminal cases pending against him.

3.1 When this Court queried, as to whether, the previous cases relates to offence related to NDPS Act, learned Government Advocate (Criminal side) responded saying that, the criminal cases do not relate to offence under NDPS act, but to IPC offence.



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4. Considering the fact that petitioner is found in possession of 1.2 kilograms of ganja at about 12.45 p.m on 24.05.2023 and that the petitioner is in judicial custody from 24.05.2023 and that the substantial part of the investigation should have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **XV Metropolitan Magistrate, G.T.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 daily at 10.30.a.m., until further orders.



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

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To



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1.The XV Metropolitan Magistrate, G.T.Chennai.

2.The Central Prison,
Puzhal 2,
Chennai

3.The Inspector of Police,
H1, Washermenpet Police Station,
Chennai.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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