



Crl.OP.No.14771 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.07.2023

CORAM

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

Crl.OP.No.14771 of 2023

Akash

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
S-9 Pazhavanthangal Police Station,
Chennai.
Crime No.100 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.100 of 2023 on the file of the Respondent Police.

For Petitioner : Mr.K.Sathish

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 09.05.2023 for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(B) of NDPS Act in Crime No.100 of 2023 on the file of the respondent police, seeks bail.

2. It is the submission of the learned counsel for the petitioner that, petitioner is falsely implicated in Crime No.100 of 2023 registered for the offences under Sections 20(b)(ii)(B) of NDPS Act. Petitioner is in Judicial Custody from 09.05.2023. Hence, he prays for grant of bail to the petitioner.

3. In response, learned Government Advocate (Crl. Side) opposes the petition on the ground that, petitioner was found in illegal possession of 1.5 kg of ganja and he has one similar previous case.

4. When this Court questioned whether there is any recovery of contraband from the petitioner in the previous case, learned Government



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Advocate (Crl. Side) answered that there was no contraband recovered from the petitioner.

5. Taking into consideration the fact that the petitioner is in Judicial Custody from 09.05.2023 and that, substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

6. 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 **Judicial Magistrate-I, Alandur** 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.

04.07.2023

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To

1. Judicial Magistrate-I,
Alandur.
2. The Inspector of Police,
S-9 Pazhavanthangal Police Station,
Chennai.
3. Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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