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Crl.O.P.No.15058 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

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

Crl.O.P.No.15058 of 2023

Vasanthakumar

...Petitioner

Vs.

The State Represented by
The Inspector of Police
H-5, New Washermenpet Police Station,
Chennai.
(Crime No.250 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in Crime No.250 of 2023 on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

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



Crl.O.P.No.15058 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.05.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) NDPS in Crime No.250 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, the petitioner is arrayed as A2 in this case in Crime No.250 of 2023 registered for the offences under Sections 8(c), 20(b)(ii)(B) NDPS Act. Petitioner has been falsely implicated in this case and he is in judicial custody from 26.05.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposed this petition, on the ground that, the petitioner and his co-accused were found in possession of 1.250 kgs. of Ganja at about 7.45 p.m., on 26.05.2023, near MPT Kudiyiruppu, Chetty Kulam and that the Ganja was recovered from the accused. Petitioner has 6 previous cases against him but, those are not for the offence under NDPS Act.



Crl.O.P.No.15058 of 2023

WEB COPY

4. Considering the nature of allegations against the petitioner and the fact that the aforesaid Ganja was seized and the petitioner is in judicial custody from 26.05.2023 and that, there is no previous case against the petitioner under NDPS Act, 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 XVth Metropolitan Magistrate, George Town**, 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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Crl.O.P.No.15058 of 2023

[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.

13.07.2023

ksa-2



Crl.O.P.No.15058 of 2023

WEB COPY

To

- 1.The XVth Metropolitan Magistrate, George Town
- 2.The Central Prison,
Puzhal.
- 3.The Inspector of Police
H-5, New Washermenpet Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras



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Crl.O.P.No.15058 of 2023

G.CHANDRASEKHARAN. J.

ksa-2

Crl.O.P.No.15058 of 2023

13.07.2023