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Crl.OP.No.18359 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.08.2023

CORAM

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

Crl.OP.No.18359 of 2023

P.Iman @ Prithviraj

..Petitioner

Vs.

The State represented by
The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.
(Cr.No.150 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.150 of 2023 pending
before the respondent Police.

For Petitioner : Mr.R.Ajith Kumaar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 15.07.2023 for the offences punishable under Section 8 (c) r/w 20 (b)
(ii) (B), 29 (1) of NDPS Act, in Crime No.150 of 2023 on the file of the



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respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Crime No.150 of 2023 for the offences punishable under Section 8 (c) r/w 20 (b) (ii) (B), 29 (1) of NDPS Act. He is in judicial custody from 15.07.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Additional Public Prosecutor submitted that on 15.07.2022, at about 08.15 a.m., the defacto-complainant along with Police party found the accused in this case with 1.500kg of Ganja near Otteri graveyard. The Ganja was seized from the accused. Petitioner has no similar previous case pending, but he has two other cases registered under Section 307 I.P.C.

4.Considered the rival submissions and perused the records.

5.Considering the fact that the Ganja in this case is seized and that petitioner is in judicial custody from 15.07.2023 and that material part of



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investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner.

6. Accordingly, petitioner is directed to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** by way of **Demand Draft/RTGS/NEFT** to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, and on such deposit 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**, each for a like sum to the satisfaction of the **II Metropolitan Magistrate Court, Egmore, 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 without prejudice to his defence shall deposit a non-refundable sum of **Rs.10,000/-**, by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the



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bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the respondent police daily at 10.00.a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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



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To

- 1.The II Metropolitan Magistrate Court,
Egmore, Chennai.
- 2.The Inspector of Police,
G-5 Secretariat Colony Police Station,
Chennai.
- 3.Central Prison, Puzhal, Chennai District.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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