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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2023

CORAM:

THE HON'BLE **Dr. JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.18637 of 2023

Suraj

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
G-3 Kilpauk Police Station

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail, in Crime No.152 of 2023 pending on the file of Respondent herein.

For Petitioner : Mr.P.V.Balasubramanian for
M/s. M.Ashwin Kumar

For Respondent : S.Raja Kumar
Additional Public Prosecutor



ORDER

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The petitioner was arrested on 01.07.2023 along with A1, Syded ALAmeer based on the specific information received by the respondent Police that the petitioner and the co-accused are selling prohibited Narcotic Drugs and Psychotropic Substances near Maharishi Vidhya Mandir school. The recovery was effected on 01.07.2023 at about 6:30 a.m., opposite to the petitioner's house.

2. From the First Information Report and Recovery Mahazar, this court finds that substantial portion of the Narcotic Drugs was recovered from the possession of A1, who was carrying 291 gms of Ganja, 15 gms of Hasish and Estacy Pills. From this petitioner, 148 gms of Ganja alleged to have been recovered.

3. The learned counsel for the petitioner states that the first accused, who is a known friend of petitioner had come to the petitioner's house on 01.09.2023 to meet him, and he had no knowledge about the antecedents of



the first accused and the recovery of 148 gms of Ganja in his possession is also incorrect and false.

4. Considering the fact that the allegation against this petitioner is that he was in possession of 148 grams of Ganja, which is slightly over and above, small quantity as prescribed under the Act and taking note of the fact that the marriage of the petitioner is fixed in the month of November and there is no bad antecedents against this petitioner, this Court is inclined to grant bail to this petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, out of which one surety must be blood relative, each for a like sum, to the satisfaction of the **learned II Metropolitan Magistrate Court, Egmore, Chennai.**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;



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(c) the petitioner is directed to report before the respondent police as and when required;

(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 Judicial 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.

14.08.2023

ns1/rpl

To

- 1.The II Metropolitan Magistrate Court, Egmore, Chennai
- 2.The Inspector of Police,
G-3 Kilpauk Police Station

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3. The Superintendent,
Central Prison
Puzhal.

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4. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

ns1/rpl

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