



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2023

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.19486 of 2023

Prathishkumar

.. Petitioner/2nd Accused

Vs.

The Inspector of Police,
D-2, Chengalpattu Taluk Police Station,
Chengalpattu District.
(Crime No. 399/2023)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to release the petitioner/2nd accused on bail pending in Crime No.399 of 2023 on the file of the The Inspector of Police, D-2, Chengalpattu Taluk Police Station, Chengalpattu District.

For Petitioner : Mr.S.Dharmaraj

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER



The petitioner herein arrayed as 2nd accused. He was arrested on 14.07.2023 for the offences under Sections 8(c), 20(b)(ii)(B) of NDPS Act.

2. 1.100 kgs of Ganja was recovered from the petitioner. Pleading innocence, bail petition was filed. The trial Court has dismissed the bail petition on the ground that the petitioner is having bad antecedents. One NDPS and one IPC cases are pending against him. If the petitioner is released on bail, there is possibility of interfering with the investigation.

3. Considering the quantum of the contraband alleged to have been recovered from the petitioner and taking note of the fact that this is a first NDPS case registered against him and other IPC offence is registered under Sections 294 B and 324 of IPC, this Court is of the view that the petitioner may be granted bail. 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 Thosand only)** with two sureties, each for a like sum, to the satisfaction of the learned **Judicial Magistrate No-II, Chengalpattu;**



(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;

(c) the petitioner is directed to report before the Investigating Officer daily at 10.30 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 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];



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Dr.G.JAYACHANDRAN, J.

rpl

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

25.08.2023

rpl

To

1.The Judicial Magistrate No-II, Chengalpattu.

2.The Inspector of Police,
D-2, Chengalpattu Taluk Police Station,
Chengalpattu District.

3.The Sub Jail,
Chengalpattu.

4.The Public Prosecutor,
High Court, Madras.

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