



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2023

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.19756 of 2023

Dhanush

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
PEW, Guduvanchery Police Station,
Chennai.
(Crime No.226 of 2023)

.. 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.226 of 2023 on the file of Respondent police.

For Petitioner : Mr.O.Chembulingam

For Respondent : M/s.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to Judicial Custody on 11.07.2023 for the offences punishable **under sections 8(c) read with Section 22(b) of NDPS Act** in Crime No.226 of 2023, on the file of the respondent police, seeks bail.

2. The petitioner herein is a native of Nilgiri District staying in Chennai for his employment. He was found in possession of 20 grams of Methamphetamine and hence, he was arrested by the respondent police on 11.07.2023. Claiming innocence, bail petition is filed. However, trial Court has dismissed the bail petition stating that, investigation in this case is at preliminary stage and if he is released on bail, there is a possibility of absconding.

3. The learned counsel for the petitioner states that, though petitioner is hailing from Nilgiri District, he is ready to furnish the Blood Sureties and abide by any stringent conditions imposed by this Court. Further, it is stated that, petitioner is an innocent person and he has been falsely



implicated in this case. Till date, sample drawn from the alleged seized contraband have not been forwarded for chemical analysis.

4. Considering the above facts and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

5. 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 shall be a blood relative) each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Chengalpattu (FAC)**.

(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 shall report before the Investigating Officer on every Saturday at 10.30.a.m., until further orders.

(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 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];

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

25.08.2023

Sma/Rpl



To

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1. Judicial Magistrate No.II,
Chengalpattu (FAC).
2. The Inspector of Police,
PEW, Guduvanchery Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

Sma/Rpl

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