



Crl.O.P.No.21817 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

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

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V.Sudharsan @ Sunil

...Petitioner

Vs.

State Rep By
Inspector of Police,
PEW Guduvancherry Police Station,
In Cr.No.241/2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to release the petitioner/accused no.2 on Bail in Cr.No.241/2023 on the file of respondent police.

For petitioner	: Mr.N.Vijaya Kumar for M/s.R.Angalaparameswari
For Respondent	: Mr.S.Rajakumar Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 25.07.2023 for the offence punishable under Sections 8(c), 20(b)(ii)(B) & 29(1) of Narcotics Drugs and Psychotropic Substances Act 1985 in Crime No.241 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that petitioner is innocent and he is falsely implicated in this case, in Crime No.241 of 2023 for the offence under Sections 8(c), 20(b)(ii)(B) & 29(1) of Narcotics Drugs and Psychotropic Substances Act 1985. The petitioner is in judicial custody from 25.07.2023. Thus, he seeks bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, on 25.07.2023 at about 09.00.a.m., based on the secret information received, respondent police mounted a surveillance near Oorapakkam and they found the accused under suspicious circumstances. After following the necessary procedure, accused were searched and they found that, petitioner was found in illegal of possession of 1.75 kgs of ganja and accused Saravanan was found in illegal possession of 2 kgs of ganja. The contraband was seized and thereafter, the case came to be registered. There are 3 criminal cases



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under various provisions of IPC pending against the petitioner. But, this is the first case registered under NDPS Act. Hence, he opposed for grant of bail to the petitioner.

4. Considering the fact that ganja had been seized and the petitioner is in judicial custody from 25.07.2023 and that the material part of the investigation is completed and this is the first case registered against the petitioner under NDPS Act, this Court is inclined to grant bail to the petitioner and 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 Judicial Magistrate No.II, Chengalpet**, 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 Chief Minister's Public Relief Fund, Finance (CMPRF)



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Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the 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 10.30 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 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



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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.

22.09.2023

mpl



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G.CHANDRASEKHARAN, J.

mpl

To

1. The Judicial Magistrate No.II,
Chengalpet.
2. The Inspector of Police,
PEW Guduvancherry Police Station.
- 3.District Prison,
Chengalpet.
- 4.The Public Prosecutor,
High court of Madras.

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