



CrI.OP.No.21720 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.21720 of 2023

Praveen Kumar

...Petitioner

Vs.

State by
Inspector of Police,
M6-Manali Police Station,
Chennai
Crime No.348 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner/Accused on bail concerned in Crime No.348 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.P.Dilli Raj

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 10.07.2023 for the offence punishable under Sections 8(c),



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20(b)(ii)(C), 25, 29(1) of NDPS Act and 120 (B) of IPC, in Crime No.348 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that on 10.07.2023, A1 and this petitioner were standing together and from A1, 11 kgs of Ganja was seized. On the confession of A1, A3 and A4 were arrested with possession of 5 kgs of Ganja each. A3 and A4 have been granted bail.

3.The learned counsel for the petitioner states that there is no recovery from this petitioner.

4.On the side of the respondent, it is stated that the petitioner was standing along with A2 and there was no denial that he did not know A1 and he did not know about the possession of A1.

5.But that is the issue for trial and there is no seizure from the physical person of the petitioner herein.

6.Taking into consideration all the facts and exception to Section 37 of NDPS Act and the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions;



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7. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Judicial Magistrate, Thiruvottiur, 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 shall report before the respondent police daily at 10.30 a.m until further orders.

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

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

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To

1.The Judicial Magistrate, Thiruvottiur.

2.Central Prison, Puzhal.

3.The Inspector of Police,
M6-Manali Police Station,
Chennai.

4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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