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Crl.OP.No.22899 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

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

Crl.OP.No.22899 of 2023

Manikandan S/o. Seenivasan

...Petitioner

Vs.

State represented by the
Inspector of Police,
M-7, Manali New Town Police Station,
Chennai.

(Crime No.236 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No. 236 of 2023 on the
file of respondent police on such terms and conditions.

For Petitioner : Mr.S.Senthilkumar

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



Crl.OP.No.22899 of 2023

WEB COPY

ORDER

The petitioner is an accused in Crime No.236 of 2023 registered by the respondent police for the offence punishable under Sections 8(c) & 20(b)(ii)(B) of NDPS Act, and he was arrested and remanded to judicial custody on 03.07.2023, seeks bail.

2. It is the case of the prosecution that the petitioner was found in alleged possession of 1200 grams of ganja. Hence, the case.

3. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has not committed the said offence as alleged by the prosecution. He also stated that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent stated that the petitioner was found in possession of 1200 grams of ganja. He further stated that the petitioner is having one previous case pending against him. Hence, he opposed to grant bail to the



Crl.OP.No.22899 of 2023

petitioner.

5. Taking into consideration the fact that the said contraband was an intermediate quantity and the period of incarceration by the petitioner from 03.07.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 – II, Ponneri, 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 everyday at 10.30 a.m., until further orders.

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



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Crl.OP.No.22899 of 2023

[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].

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

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Crl.OP.No.22899 of 2023

To

1. The Judicial Magistrate – II, Ponneri.
2. Prison Puzhal – II, Chennai.
3. The Public Prosecutor,
High Court of Madras

C.V.KARTHIKEYAN. J.

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Crl.OP.No.22899 of 2023

Crl.OP.No.22899 of 2023

09.10.2023