



Crl.OP.No.22891 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

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

Crl.OP.No.22891 of 2023

Michel

...Petitioner

Vs.

The State rep. by
The Inspector of Police,
PEW-Guduvancherry Police Station,
(Crime No.215 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.215 of 2023 under Sections 8(c), 20(b)(ii)(B) of NDPS Act on the file of the respondent.

For Petitioner : Mr.S.Senthil Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.06.2023 for the offence punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act in Crime No.215 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 1 Kg 200 grams of Ganja. Hence, the case was registered against the petitioner.

3.It is stated by the learned counsel for the petitioner that the above mentioned quantity is an intermittent quantity and that the case has been foisted against the petitioner for statistical purpose. Hence, he seeks for grant of bail to the petitioner.

4.It is stated on behalf of the respondent that there is a similar case pending against the petitioner and which is now pending trial and two other cases have been registered under Section 307 IPC. Hence, he vehemently opposed for grant of bail to the petitioner. However, the petitioner had been granted bail in all the above mentioned cases.



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5. Considering the above facts and circumstances of the case and the period of incarceration by the petitioner from 29.06.2023, 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 learned Judicial Magistrate-II, Chengalpattu 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.



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[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.

05.10.2023

Smv

To

1.The Judicial Magistrate-II, Chengalpattu.

2.Prison Puzhal-II,
Chennai.

3.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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