



Crl.OP.No.23488 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

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

Crl.OP.No.23488 of 2023

Arun S/o. Mani

... Petitioner/Accused

Vs.

State by
The Inspector of Police,
E-5, Sholavaram Police Station,
Chennai.

(Crime No.481 of 2022)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail concerned in C.C.No.199 of 2023 on the file of the Special Judge, I Additional Court for Exclusive Trial of Cases under NDPS Act, Chennai.

For Petitioner : Mr.A.Nirmal Kumar

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



Crl.OP.No.23488 of 2023

WEB COPY

ORDER

The petitioner is A2 in C.C.No.199 of 2023, now pending before the I Additional Special Court for exclusive trial of Cases under NDPS Act, Chennai. It is stated that originally the Crime No.481 of 2022 had been registered by the respondent for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) & 29(1) of NDPS Act, and the petitioner had been arrested and remanded to judicial custody on 16.06.2022.

2. The petitioner was found with 12 kgs of ganja along with A1, who was also found with 12 kgs of ganja.

3. It is stated that A1 had filed a petition seeking bail and a learned Single Judge of this Court in Crl.O.P.No.30428 of 2022 by order dated 20.12.2022 had granted bail to A1. However, A3 is absconding. It is now informed that A3 is confined at Central Prison, Palayamkottai, and that he would be taken into custody in the present crime number.

4. Taking into consideration all these factors, I am inclined to grant bail to the petitioner subject to the following conditions:

5. 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



Crl.OP.No.23488 of 2023

Thousand only) with two sureties, each for a like sum to the satisfaction of the Special Judge, I Additional Court for exclusive Trial of Cases under NDPS Act, Chennai, 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 appear before the I Additional Court for exclusive Trial of Cases under NDPS Act, Chennai, daily at 10.30 a.m., till completion of the trial.

[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].



Crl.OP.No.23488 of 2023

WEB COPY

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

30.10.2023

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To

- 1.The Special Judge, I Additional Court for exclusive Trial of Cases under NDPS Act, Chennai
- 2.Central Prison for Men-II, Puzhal, Chennai.
- 3.The Inspector of Police,
E-5 Sholavaram Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.23488 of 2023

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.23488 of 2023

30.10.2023