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CrI.OP.No.23327 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM

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

CrI.OP.No.23327 of 2023

Suresh @ Jalal,
S/o.Ramesh

...Petitioner/A2

Vs.

State represented by its
The Inspector of Police,
J-1, Police Station
Saidapet, Chennai
(Crime No.245 of 2023)
...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail relating to Crime No. 245 of 2023 on the file of the respondent police.

For Petitioner : Mr.V.Ramachandra Moorthy

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.08.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B), 22(a) of NDPS Act in Crime No.245 of 2023, on the file of the respondent police, seeks bail.



Crl.OP.No.23327 of 2023

2.The learned counsel for the petitioner submitted that the petitioner has been arrayed as 2nd accused in this case. He had been taken into custody on 23.08.2023 for alleged possession of 1.200 Kgs of Ganja, which is an intermediate quantity. Petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

3.It is stated by the learned Government Advocate (Criminal Side) appearing on behalf of the respondent that petitioner was found in possession of 1.200 Kgs of Ganja and had been taken on custody on 23.08.2023 and the 1st accused is also in custody. He further stated that investigation had been practically completed and the charge sheet will be filed shortly before the Trial Court. Thus, he prayed for dismissal of this petition.

4.Taking into consideration, the period of incarceration and it is only an intermediate quantity, this Court is inclined to grant bail to the petitioner subject to the following conditions. Accordingly, the petitioner



CrI.OP.No.23327 of 2023

is ordered to be released on bail on he 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 Metropolitan Magistrate Court No.IX at Saidapet, 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 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.

[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



CrI.OP.No.23327 of 2023

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.

10.10.2023

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To

- 1.The Metropolitan Magistrate Court No.IX,
Saidapet, Chennai.
- 2.The Central Jail,
Puzhal.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
J-1, Police Station
Saidapet, Chennai
(Crime No.245 of 2023)



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Crl.OP.No.23327 of 2023

C.V.KARTHIKEYAN. J.

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Crl.OP.No.23327 of 2023

10.10.2023