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CrI.OP.No.23253 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.23253 of 2023

Vasantha Kumar
S/o.Meganathan

...Petitioner

Vs.

State rep by
Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai District,
(Crime No.266/2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.266 of 2023 on the file of the respondent police.

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.06.2023, for the offences punishable under Sections 8 (c) r/w 20 (b) (ii) (B), 29 (1) of NDPS Act, in Crime No.266 of 2023, on the file of the respondent police, seeks bail.



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2.The learned counsel for the petitioner submitted that there are totally five accused in this case and petitioner has been arrayed as A5. He had been taken into custody on 29.06.2023. He is an innocent person and he has been falsely implicated in this case. Thus, he prays for grant of bail to the petitioner.

3.It is stated by the learned Government Advocate (Crl.Side) that A1 and A2 in this case had been granted bail and the other accused are in custody. He further stated that 2 KGs of Ganja is also seized from the accused and the same is an intermediate quantity. Petitioner has one previous case pending him. Thus, he prayed for dismissal of this petition.

4.Taking into consideration the facts of the case and the period of incarceration suffered by the petitioner and that A1 & A2 in this case had been granted bail, this Court is inclined to grant bail to the petitioner subject to the following conditions. Accordingly, petitioner 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



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satisfaction of the **learned Xth Metropolitan Magistrate, Egmore, 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 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 Xth Metropolitan Magistrate, Egmore, Chennai.
- 2.Central Prison, Puzhal.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai District,
(Crime No.266/2023).

C.V.KARTHIKEYAN. J.



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