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Crl.O.P.No.23476 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

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

Crl.O.P.No.23476 of 2023

1. M.Annamalai
2. Prasanth
3. E.Sathyavani @ Bommukutty ... Petitioners

Vs.

The Inspector of Police,
F-2, Egmore Police Station,
Chennai.

(Crime No.349 of 2023) ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to release the petitioners on bail in respect of Crime No.349/2023 on
the file of the respondent Police.

For Petitioners : Mr.C.Raja

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 27.08.2023 for the offence punishable under Sections 8(c) r/w
20(b)(ii)(B) of NDPS Act, in Crime No.349 of 2023 on the file of the



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respondent police, seeks bail.

2.The case of the prosecution is that the petitioners are arrayed as A1, A3 and A5. The petitioners along with 4 other accused were found in illegal possession of 1.550 kgs of Ganja, which is an intermediate quantity.

3.It is stated by the respondent that there are 5 previous cases against the first petitioner, 1 previous case against the second petitioner and 5 previous cases against the third petitioner.

4.Taking into consideration the period of incarceration and the recovery of the contraband, this Court is inclined to grant bail to the petitioners with certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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 XIV Metropolitan Magistrate, Egmore 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



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ensure their identity.

[b] the petitioners shall report before the respondent police on everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

19.10.2023

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C.V.KARTHIKEYAN, J.



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To

1. The XIV Metropolitan Magistrate, Egmore
2. The Inspector of Police,
F-2, Egmore Police Station,
Chennai.
3. The Central Prison, Puzhal – II, Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 23476 of 2023

19.10.2023