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Crl.OP.Nos. 23633 & 23697 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

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

Crl.OP.Nos.23633 & 23697 of 2023

Vasanth S/o. Sekar

... Petitioner/A2 in
Crl.O.P.No.23633 of 2023

Santhosh S/o. Senguttuvan

...Petitioner/A1 in
Crl.O.P.No.23697 of 2023

Vs.

State by
The Inspector of Police,
D-2, Chengalpattu Taluk Police Station,
Chengalpattu.
(Crime No.453 of 2023)

...Respondent in both petitions

Common Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the Petitioners/Accused 1 and 2 on bail concerned in Crime No.453 of 2023 pending on the file of the respondent police.

(In both petitions)

For Petitioner : Mr.Premkumar

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



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COMMON ORDER

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 09.08.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.453 of 2023 on the file of the respondent police, seek bail.

2.It is stated that the petitioners/A1 and A2 were found in possession of 1100 Grams of Ganja in an auto rickshaw.

3.It is stated by the learned counsel for the petitioner in both the petitions that the petitioners are innocent and they are no way connected with the said offence. He further stated that the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4.On the side of the respondent, it is stated that the petitioners were found in possession of 1100 Grams of Ganja. Hence, he vehemently opposed to grant bail to the petitioners.



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5.Taking into consideration the fact that the said contraband recovered from the accused is an intermediate quantity, this Court is inclined to grant bail to the petitioner in both the petitions with certain conditions;

6.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court-II, Chengalpattu, Chengalpattu District, 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

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



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[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.

13.10.2023

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To

- 1.The Judicial Magistrate Court-II, Chengalpattu.
- 2.Sub-jail, Chengalpattu.
- 3.The Inspector of Police,
D-2, Chengalpattu Taluk Police Station.
Chengalpattu.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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