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CrI.OP.No.23655 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

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

CrI.OP.No.23655 of 2023

Kamalakannan

...Petitioner

Vs.

State represented by
The Inspector of Police,
M – 5, Ennore Police Station,
Chennai,
(Crime No.579 of 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.579 of 2023, on the file of the respondent police.

For Petitioner : Mr.D.Prasannakumar

For Respondent : Mr.R. Kishore Kumar

Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.08.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act, in Crime No.579 of 2023 on the file of the respondent police, seeks bail.



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2.The learned counsel for the petitioner submitted that petitioner is no way connected with the alleged offence and he was falsely roped into this case. Thus, he prays for grant of bail to the petitioner.

3.It is stated by the learned Government Advocate (Criminal Side) that the petitioner was found in possession of 1.300 grams of Ganja and he was taken into custody on 26.08.2023. It is also stated that there is one previous case of similar nature as against the petitioner and another case under Section 75 of the City Police Act. Thus, he prayed for dismissal of this petition.

4.In view of the facts and circumstances of the case and the period of incarceration suffered by petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions. Accordingly, the petitioner is ordered to be released on bail on she 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 Judicial Magistrate, Thiruvottiyur, Chennai** on further conditions that :-



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[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 Morning 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 Judicial Magistrate, Thiruvottiyur, Chennai.
- 2.The Central Prison, Puzhal.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
M – 5, Ennore Police Station,
Chennai,
(Crime No.579 of 2023)



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C.V.KARTHIKEYAN. J.

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