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CrI.O.P.No.23933 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

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

CrI.O.P.No.23933 of 2023

1. Jayalakshmi
2. Dharani

.. Petitioners/A3 & A4

Vs.

State Rep.by
Sub Inspector of Police,
Kodungaiyur Police Station,
Chennai.
(Crime No.266 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail pending investigation in Crime
No.266 of 2023 on the file of the Respondent Police.

For Petitioners : Mr.G.Shriram

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



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ORDER

The petitioners / A3 and A4, who were arrested and remanded to judicial custody on 24.05.2023 for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(B) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.266 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the petitioners were found in possession of 2 kgs of Ganja, which is an intermittent quantity. It is also stated that A1, A2 and A5 had been arrested and released on bail.

3.Taking all these factors into consideration and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions.

4. Accordingly, the petitioners are ordered to be released on bail on their executing 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 Principal Special Court under EC and NDPS Act, Chennai and 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 petitioners shall report before the respondent police daily 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.

18.10.2023

Smv

C.V.KARTHIKEYAN, J.



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smv

To

1. The learned Principal Special Court under EC and NDPS Act, Chennai.
2. The Sub Inspector of Police,
Kodungaiyur Police Station,
Chennai.
3. The Special Prison for Women, Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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