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Crl.OP.No.23798 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

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

Crl.O.P.No.23798 of 2023

Manikandan

... Petitioner

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
T-8 Guduvancheri Police Station,
Chennai - 603 202

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation of the case in
the Crime No.385 of 2023 on the file of the respondent.

For Petitioner : Mr.G.K.M.Appaji

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.08.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.385 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 1.200 grams of Ganja, which is an intermediate quantity.

3.It is stated by the respondent that there is no previous case pending against the petitioner.

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

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 learned Judicial Magistrate, Chengalpattu 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

17.10.2023

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C.V.KARTHIKEYAN, J.

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To

1. The Judicial Magistrate, Chengalpattu
2. The Inspector of Police,
T-8 Guduvancheri Police Station,
Chennai - 603 202
3. The Sub Jail, Chengalpattu.
4. The Public Prosecutor,
High Court of Madras.

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