

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

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

Crl.O.P.Nos.24540 & 24581 of 2023

Shiva @ Imanuvel

...Petitioner in
Crl.O.P.No.24540 of 2023

Kamesh

...Petitioner in
Crl.O.P.No.24581 of 2023

Vs.

The State represented by
The Inspector of Police,
B-6, Mappedu Police Station,
Thiruvallur.
(Crime No.320 of 2023)

...Respondent in both petitions

Common Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the Petitioners/A1 & A2 on bail in connection with the case in Crime No.320 of 2023 pending investigation on the file of the Respondent police.

(In both the petitions)

For Petitioner : Mr.P.Parthipan

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

COMMON ORDER

The petitioner in both the petitions were arrested and remanded to judicial custody on 09.09.2023 for the offences punishable under Section 8(c) r/w 20(b)(ii)(A) of NDPS Act, r/w Section 286 of IPC and Sections 4(b) & 5 of Explosive Substances Act, 1908, in Crime No.320 of 2023 on the file of the respondent police, seek bail.

2.It is stated that both the petitioners were found in selling of ganja near Thodukadu Bus Stop on 09.09.2023. The petitioners tried to run away but they were secured. The car was also searched and it was found that there was 500 grams of ganja and another 400 grams of ganja. It is also stated that they were in possession of dangerous crackers and the same had been secured.

3.At any rate, taking into consideration all these factors, I am inclined to grant bail to the petitioner in both the petitions with certain conditions:

4. 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 learned Judicial Magistrate No.II, Tiruvallur, 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.

[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.

20.10.2023

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To

- 1.The Judicial Magistrate No.II, Tiruvallur.
- 2.The Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
B-6, Mappedu Police Station,
Tiruvallur.
- 4.The Public Prosecutor,
High Court of Madras.

CrI.OP.Nos.24540 & 24581 of 2023

C.V.KARTHIKEYAN.J

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