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CrI.O.P.No.24592 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

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

CrI.O.P.No.24592 of 2023

Mathi @ Mathiyalagan

... Petitioner/A3

Vs.

The State represented by
The Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in C.C.No.42 of 2023 on the file of
the Principal Special Court under EC & NDPS Act, Chennai, connected with
the Crime No.105 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.Illiyas

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



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ORDER

The petitioner/A3, who was arrested and remanded to judicial custody on 03.11.2022 for the offences punishable under Sections 8(c), 22(c), 29(1) of NDPS Act, 1985 in C.C.No.42 of 2023 now pending on the file of the Principal Special Court under EC & NDPS Act, Chennai connected with the Crime No.105 of 2022 on the file of the respondent police, seeks bail.

2.It is stated that the petitioner had been actually granted bail by this Court earlier on 29.03.2023 in Crl.O.P.No.5058 of 2023. However, he did not appear before the trial Court on 05.05.2023, which necessitated issuance of Non-bailable Warrant against him.

3.The learned counsel for the petitioner stated that the petitioner was arrested in yet another case and consequently, could not appear before the Court. It is stated that the 1st and 2nd accused are appearing before the Court.



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4. Taking all these factors into consideration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on bail on 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 & NDPS Act, Chennai 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 petitioner shall appear before the trial Court every Monday at 10.30 a.m till completion of trial except for unavoidable circumstances.

[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



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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.

30.10.2023

smv

To

1. The learned Principal Special Court under EC & NDPS Act, Chennai.
2. The Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

smv

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