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Crl.OP.Nos.24811 & 24848 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

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

Crl.O.P.Nos.24811 & 24848 of 2023

Sathish Kumar @ Sathish

... Petitioner/A3 in
Crl.O.P.No.24811 of 2023

Subha @ Vellai Subha

... Petitioner/A1 in
Crl.O.P.No.24848 of 2023

Vs.

State by
The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
(Crime No.210 of 2023)

...Respondent in both petitions

Common prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the Petitioners on bail concerned in C.C.No.831 of 2023 on the file of the II Additional Special Court under EC & NDPS Act at Chennai.

(In both petitions)

For Petitioners : Mr.M.Illiyas

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



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COMMON ORDER

The 3rd accused has filed Crl.O.P.No.24811 of 2023 and the 1st accused has filed Crl.O.P.No.24848 of 2023, both in Crime No.210 of 2023, registered by the respondent police for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 25 & 29(1) of NDPS Act, 1985. They had been taken into custody on 05.08.2023 and 04.08.2023 respectively.

2. It is stated that on 04.08.2023, when the respondent was in duty, they received an information about the petitioners and the other accused selling ganja and from the 3rd accused, 1.200 grams of ganja was deducted.

3. It is stated that A2 had been granted bail.

4. It is stated that subsequent to investigation, final report had been filed and the same had been taken cognizance as C.C.No.831 of 2023,



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now pending trial before the II Additional Special Court under EC & NDPS Act, Chennai. It is also stated that there are two previous cases similar in nature pending against the petitioners herein.

5. Taking into consideration all these facts and that the contraband seized was an intermediate quantity, I am inclined to grant bail to the petitioners herein subject to the following conditions:

6. Accordingly, the petitioners in both the petitions 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 XVI Metropolitan Magistrate, G.T.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 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.



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[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.

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To

- 1.The XVI Metropolitan Magistrate, G.T., Chennai.
- 2.Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
N-2, Kasimedu Police Station, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.



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