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Crl.O.P.No. 25476 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

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

Crl.O.P.No.25476 of 2023

Dhinesh @ Pulimutai Dhinesh

... Petitioner

Vs.

State rep by
The Inspector of Police,
Chintadaripet Police Station,
Chennai.
Crime No.91 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner / Accused on bail in Crime No.91 2023
pending on the file of the respondent Police.

For Petitioner : Mr.Ilayaraja Kandasamy

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 27.04.2023 for the offences under Sections 8(c) and 20(b)(ii)(B) of NDPS
Act, in Crime No.91 of 2023, seeks bail.



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2.The learned counsel for the petitioner stated that the earlier bail application had been dismissed by this Court on 20.10.2023 and change in circumstances is that the final report had been filed and taken cognizance as C.C.No.574 of 2023 by the learned Principal Special Judge for NDPS and EC Act cases, Chennai and that the petitioner had also engaged an Advocate on 31.10.2023.

3.It is also stated that the bail had been granted to one of the accused and had not been granted to another accused.

4.The case of the prosecution is that the petitioner was found in illegal possession of 2.300 kgs of ganja.

5.It is stated by the respondent that there are 11 previous cases against the petitioner.

6.But however, taking into consideration the contraband seized is an intermediate quantity and the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7.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 XIV Metropolitan Magistrate, Egmore, 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 XIV Metropolitan Magistrate, Egmore, on every Monday, until further orders and also appear during the Court hearing dates except for unforeseen 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 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.

07.11.2023

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C.V.KARTHIKEYAN, J.

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To

1. The XIV Metropolitan Magistrate, Egmore.
2. The Inspector of Police,
Chintadaripet Police Station,
Chennai.
3. The Central Prison II, Puzhal.
4. The Public Prosecutor, High Court of Madras.

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