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Crl.O.P.No. 25389 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.25389 of 2023

Sivakumar @ Siva

... Petitioner

Vs.

The Inspector of Police,
T-5 Thiruverkadu Police Station,
Tiruvallur District.
Crime No.678 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.678 2023
pending on the file of the respondent Police.

For Petitioner : Mr.S.Sarath Chandran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.09.2023 for the offences under Sections 8(c) r/w 20(b)(ii)(B) and 25 of
NDPS Act, in Crime No.678 of 2023, seeks bail.

2.The case of the prosecution is that the petitioner was found in



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illegal possession of 1.150 kgs of Ganja.

3.It is stated by the respondent that there are two previous cases against the petitioner herein.

4.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.

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 No.II, Poonamalle 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 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



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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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To

1. The Judicial Magistrate No.II, Poonamalle.
2. The Inspector of Police,
T-5 Thiruverkadu Police Station,
Tiruvallur District.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.



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