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Crl.O.P.No.25743 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

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

Crl.O.P.No.25743 of 2023

Sivakumar S/o. Kannan

... Petitioner/Accused

Vs.

State by
The Inspector of Police,
Chennai Central Railway Police Station,
Chennai District.

(Crime No.197 of 2022)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail concerned in C.C.No.46 of 2023 on the file of the Court of Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

For Petitioner : Mr.S.R.Jothinath

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



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ORDER

The petitioner is an accused in C.C.No.46 of 2023, now pending before the Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, seeks bail. Originally Crime No.197 of 2022 had been registered for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act, 1985. The petitioner had been remanded to judicial custody on 18.07.2023.

2.It is stated that originally bail had been granted to the petitioner herein and thereafter a Non-bailable warrant was issued and the petitioner had been taken into custody and that the petitioner has been in custody for a considerable period of days.

3.It is also stated that only legal aid counsel is appearing for the petitioner before the Trial Court.

4.Taking all these factors into consideration, I am inclined to grant bail to the petitioner subject to the following 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



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of the Court of Special Judge, I Additional Special Court for Exclusive Trial of Cases under 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 report before the Trial Court 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 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.

09.11.2023

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C.V.KARTHIKEYAN. J.

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To

- 1.The Court of Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.
- 2.Central Prison-II, Puzhal, Chennai.
- 3.The Inspector of Police,
Chennai Central Railway Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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