



Crl.O.P.No.25869 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM

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

Crl.OP.No.25869 of 2023

Surya @ Manda Surya

...Petitioner

Vs.

State rep by,
The Inspector of Police,
J9 Thuraipakkam Police Station,
(Cr.No.246/2022)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending trial in C.C.No.102 of 2023 on the file of the learned I Additional Special Judge for Exclusive Trial of Cases under NDPS Act, Chennai.

For Petitioner : Mr.J.Samiullah
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal side)

ORDER

The petitioner/A2 in C.C.No.102 of 2023 pending before the I Additional Special Judge for Exclusive Trial of Cases under NDPS Act, Chennai, seeks bail.



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2. There are totally five accused. NBW is still pending as against A1.

So far as this petitioner is concerned, NBW was issued on 21.07.2023 and he was taken into custody on 01.08.2023.

3. Taking that particular fact that he had been secured within about nine days and that he had earlier attended the Court, I am inclined to grant bail to the petitioner subject to the following conditions.

4. 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 Special Judge 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 every Monday, quite apart from the Court hearing dates till the completion of trial.



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[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.

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C.V.KARTHIKEYAN, J.

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To

1. The Special Judge for Exclusive Trial of Cases under NDPS Act, Chennai.
2. The Inspector of Police,
J9 Thuraipakkam Police Station,
(Cr.No.246/2022)
3. Central Prison II, Puzhal.
4. The Public Prosecutor, Madras High Court.

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