



CrI.O.P.No.26571 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

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

CrI.O.P.No.26571 of 2023

G.Senthil Kumar S/o. Ganesan

...Petitioner/Accused

Vs.

The State rep. by
The Inspector of Police,
PEW Madhavaram Police Station,
Chennai-PEW North,
Thiruvallur District.

(Crime No.127 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.127 of 2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.A.Nirmal Kumar

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



WEB COPY



CrI.O.P.No.26571 of 2023

ORDER

The petitioner seeks bail in Crime No.127 of 2023, registered under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. The petitioner had been remanded to judicial custody on 07.10.2023.

2.It is stated that the respondent had received information and had found the accused standing at Jothi Nagar, Lakeview Junction, Red Hills, with two bags containing 5 kgs of ganja, totally 10 kgs.

3.It is stated that there is no previous case against the petitioner. The learned counsel for the petitioner stated that the petitioner is innocent of the offences.

4.In the counter affidavit filed by the respondent, it had been stated that the report of the Forensic Science Laboratory has to be received and thereafter final report would be filed before the concerned Court.



Crl.O.P.No.26571 of 2023

WEB COPY

5.The earlier bail application had been dismissed by this Court on 10.11.2023 in Crl.O.P.No.25765 of 2023.

6.The once change in circumstance is that investigation is practically completed and the only aspect is to obtain a report from the Forensic Science Laboratory.

7.Taking into consideration the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Metropolitan Magistrate Court, Madhavaram., and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.



CrI.O.P.No.26571 of 2023

WEB COPY

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) as non-refundable deposit to the credit of the Dean, Stanley Government Hospital, Chennai. The amount may be used for needy patients.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

30.11.2023

ata



WEB COPY



CrI.O.P.No.26571 of 2023

To

1. The Judicial Metropolitan Magistrate Court, Madhavaram.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.26571 of 2023

C.V.KARTHIKEYAN. J.

ata

Crl.O.P.No.26571 of 2023

30.11.2023