



CrI.O.P.No.27109 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

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

CrI.O.P.No.27109 of 2023

Deva @ Devaraj

...Petitioner

Vs.

State rep by
The Inspector of Police,
D1 Triplicane Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail pending trial in C.C.No.19 of 2022 before the II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

For Petitioner : Mr.P.Thinesh

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

ORDER

The petitioner/A2 in C.C.No.19 of 2022 pending trial before the II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, seeks bail.



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2.The charges have been framed under Sections 8(c) r/w 20(b)(ii)(B), 29(1) of NDPS Act. There are two accused.

3.It is stated that the petitioner had been issued with Non Bailable Warrant on 27.12.2022 and he had been remanded to judicial custody only on 22.08.2023 through PT warrant.

4.The learned counsel for the petitioner stated that the petitioner is innocent of the offence and he has been in custody for the past 92 days.

5.Taking all the factors into consideration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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)** each with two sureties, each for a like sum to the satisfaction of the II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and on further conditions that :-

[a] the petitioner and 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 their identity.

[b] the petitioner shall report before the trial Court, on every Monday and also during the Court hearing dates, till completion of the 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.

29.11.2023

vkr

To

1. The II Additional Special Court for
Exclusive Trial of Cases under NDPS Act, Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
D1 Triplicane Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN.J

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