



Crl.OP.Nos.1569 and 1571 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.Nos.1569 and 1571 of 2023

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| 1. Suresh | ..Petitioner in Crl.O.P.No.1569 of 2023 |
| 2. Purushothaman @ Nishanth | ..Petitioner in Crl.O.P.No.1571 of 2023 |

Vs.

The State represented by
The Inspector of Police,
F-3, Arambakkam Police Station,
Tiruvallur.

(Crime No:46 of 2022)

..Respondent

PRAYER:Criminal Original Petitions are filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail pending investigation in Crime No.46 of 2022 on the file of the Inspector of Police, F-3, Arambakkam Police Station, Tiruvallur.

In both Crl.O.Ps

For Petitioners : Mr.T.S.Sasikumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 03.03.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C),



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25 and 29(1) of NDPS Act, in Crime No.46 of 2022 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that based on the secret information, the respondent went to the place of occurrence and conducted a vehicle check up. At that time, a two wheeler bearing Registration No.TN 20 AX 1035 was intercepted and found that the petitioners along with other accused persons were in possession of 21 Kgs of Ganja, in three white bags. On seeing the respondent Police, A4 and A5 ran away from the place of occurrence. A1 to A3 were arrested on spot. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and only based on the confession statement of the co-accused, they have been arrayed as an accused. He would further submit that A3 was already granted bail by this Court. Hence, he seeks for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally five accused, in which the petitioners



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are arrayed as A1 and A2. The petitioners were found in possession of 21 Kgs of Ganja, in three white bags. A1 is having six previous cases and A2 has no previous cases. He would further submit that there is no change of circumstances after the previous dismissal orders passed by this Court. Hence, he opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. The petitioners are arrayed as A1 and A2. Admittedly, they were in possession of 7 Kgs of Ganja, each and it is not a commercial quantity. Though, A1 has six previous cases, they are not related to NDPS cases. Insofar A2 is concerned, he has no previous cases and no bad antecedents.

7. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners from the date of their arrest i.e, 03.03.2022, this Court is inclined to grant bail to the petitioners with certain conditions.



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8. Accordingly, each of the petitioners shall deposit a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431** and on such deposit, the petitioners are ordered to be released on bail on their executing a **separate bond** for a sum of Rs.10,000/- (Rupees Ten thousand only), with **two blood related sureties**, each for a like sum to the satisfaction of the Learned Judicial Magistrate, Gummidipoondi 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] Each of the petitioners shall deposit a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431.**

[c] the petitioners shall report before the respondent Police, daily at 10.30 a.m., and 5.30 p.m., until further orders;

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



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[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

06.02.2023

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Judicial Magistrate, Gummidipoondi.
2. The Inspector of Police,
F-3, Arambakkam Police Station,
Tiruvallur.
3. The Central Prison,
Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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