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CrI.O.P.No.27473 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

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

CrI.OP.No.27473 of 2023

Saravanan @ Saro

...Petitioner

Vs.

State of Tamil Nadu,
Represented by,
The Inspector of Police, Law & Order,
M-1, Madhavaram Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.419 of 2023 on the file of the respondent police.

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

ORDER

The petitioner seeks bail in Crime No.419 of 2023, registered by the respondent police for the offences punishable under Sections 8 (c) 20 (b) (ii) (B) and 25 of Narcotic Drugs Psychotropic and Substances Act, 1985. The petitioner had been taken into custody on 22.09.2023.

2.It is stated that A2 to A6 had been granted bail. A1 is still in



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custody along with this petitioner.

3.It is the case of the prosecution that A1, A2 & A3 go to Andhra Pradesh to purchase ganja and distribute it to others for retail sales. The petitioner is one of those who was present when the respondent arrived at that particular place and he had been taken into custody. It is seen that there are 12 previous cases against the petitioner herein, but all of them are under IPC offences. It is also stated that the total quantity of the contraband which had been seized was 9.800 Kgs.

4.The learned counsel for the petitioner stated that the petitioner is a friend of A1 and owing to the previous cases, the respondent had also implicated the petitioner herein. But that may not address that particular issue.

5.Taking into consideration the period of incarceration and that A2 to A6 were granted bail, 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



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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 **Judicial Magistrate Court, Madhavaram**, 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 respondent police everyday at 10.00 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].

C.V.KARTHIKEYAN, J.



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

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To

1. The Judicial Magistrate Court, Madhavaram.
2. The Inspector of Police, Law & Order,
M-1, Madhavaram Police Station,
Chennai.
3. Central Puzhal Jail, Chennai.
4. The Public Prosecutor, Madras High Court.

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