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Crl.O.P.Nos.27635 & 27663 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.Nos.27635 & 27663 of 2023

1.Vikram

2.Vijayakumar@ Gana Vijay ... Petitioners in Crl.O.P.No.27635 of 2023

Vishwa @ Charles
2023

... Petitioner in Crl.O.P.No.27663 of

Vs.

The State represented by,
The Inspector of Police,
Guduvanchery Police Station,
Chengalpattu District.

The State rep.by,
The Inspector of Police,
T-8, Guduvanchery Police Station,
Tambaram.

...Respondent in both Crl.O.Ps.

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in FIR in Crime No.524 of 2023 on the file of the respondent police.

For Petitioners : Mr.M.Jaisingh
For Respondent : Mr.R.Kishore Kumar



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Government Advocate (Crl.Side)

ORDER

A1 has filed Crl.O.P.No.27663 of 2023 and A2 & A3 have filed Crl.O.P.No.27635 of 2023, both in Crime No.524 of 2023, registered under Sections 8 (c) r/w 20 (b) (ii) (B) of Narcotic Drugs & Psychotropic Substances Act, 1985.

2.It is stated that all the three petitioners had been remanded to judicial custody on 22.10.2023. There were also three other accused, who are absconding. It is stated that the respondent had seized 1.200 Kgs of Ganja from A1 and 100 grams each from A2 & A3. There are no previous cases pending against the petitioners herein except for one previous case against A1 under IPC.

3.Taking all the factors into consideration and considering the period of incarceration, I am inclined to grant bail to the petitioners subject to the following conditions:

4.Accordingly, the petitioners are ordered to be released on bail on



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their executing a separate 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 Judicial Magistrate - II, Chengalpattu**, 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 his Aadhar card or Bank pass Book to ensure his identity.

[b]the petitioners shall report before the respondent police everyday at 10.00 a.m., until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail



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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.

08.12.2023

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To

1. The Judicial Magistrate - II, Chengalpattu.

2. The Central Prison, Puzhal.

3. The Inspector of Police,
Guduvanchery Police Station,
Chengalpattu District.

4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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