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CrI.OP.No.27828 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM

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

CrI.OP.No.27828 of 2023

Krishanvu Saikia

...Petitioner

Vs.

State represented by,
The Inspector of Police,
T-9, Maraimalai Nagar 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.670 of 2023 on the file of the respondent police.

For Petitioner : Mr.M.S.Ramesh

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal side)



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ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 09.11.2023 in Crime No.670 of 2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) and 29(1) of NDPS Act on the file of the respondent police, seeks bail.

2. It is stated in the petition that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner had been remanded to custody on 09.11.2023. It is further stated that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, grant of bail to the petitioner is sought.

3.It is stated that there are totally two accused and from the petitioner herein, 1.900 kgs of ganja had been seized and from the 1st accused 2.300 kgs of ganja had been seized. There are no previous cases as against the petitioner herein. However, the learned Government Advocate (Criminal side) raised apprehension that the petitioner is from Assam State.



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4.The learned counsel for the petitioner stated that the father of the petitioner is in Public Sector organization and that he is prepared to give standing surety.

5.Taking into consideration the period of incarceration and all other factors, I am inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties (**one surety must be the father of the petitioner and the other surety must be a local surety which should be tested by the learned Magistrate**), each for a like sum to the satisfaction of the **learned Principal Special Judge, NDPS Act, Chennai** 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



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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].

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

12.12.2023

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To

1. The Principal Special Judge, NDPS Act, Chennai
2. The Inspector of Police,
T-9, Maraimalai Nagar Police Station,
Chennai.
3. District Jail, Chengalpattu.
4. The Public Prosecutor,
Madras High Court.



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C.V.KARTHIKEYAN, J.

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