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Crl.O.P.No.28750 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

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

Crl.OP.No.28750 of 2023

Raji @ Kulla Raji

...Petitioner

Vs.

State rep by,
The Inspector of Police,
R2 Kodambakkam Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.236 of 2023 on the file of the respondent police.

For Petitioner : Mr.C.Jagan

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

ORDER

The petitioner seeks bail in Crime No.236 of 2023 registered under Sections 8(c) r/w 20(b) (ii) (B), 25 of NDPS Act.



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2.The petitioner had been remanded to judicial custody on 18.11.2023 with possession of 5 Kgs of ganja, which is an intermediate quantity. There are no previous cases under NDPS Act against the petitioner herein.

3.Taking all the factors into consideration and the weight of the contraband and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

4.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 each for a like sum to the satisfaction of the XVII Metropolitan Magistrate, Saidapet, 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 Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police, daily at 10.00 a.m., until further orders.



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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.

sli

22.12.2023

To

1. The XVII Metropolitan Magistrate, Saidapet, Chennai.

2.The Inspector of Police,
R2 Kodambakkam Police Station,
Chennai.

3.Central Prison, Puzhal 2.

4.The Public Prosecutor, Madras High Court.



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C.V.KARTHIKEYAN, J.

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