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CrI.O.P.No.28541 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

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

CrI.OP.No.28541 of 2023

Hariharan @ Harish

...Petitioner

Vs.

State rep.by
The Inspector of Police,
T-1 Tambaram Police Station,
Tambaram District.
(Crime No.941 of 2023)

...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.941 of 2023 on the file of the respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

The petitioner seeks bail in Crime No.941 of 2023 registered under Sections 8 (c), 20 (b)(ii)(B) NDPS Act.



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2.The petitioner had been remanded to judicial custody on 16.11.2023 and was found in possession of 1Kg of ganja. There is one previous case against the petitioner herein under Section 302 IPC.

3.But, however, taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner.

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 **Judicial Magistrate, Tambaram**, 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.

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



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[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.

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21.12.2023

To

1. The Judicial Magistrate, Tambaram.

2.The Inspector of Police,
T-1 Tambaram Police Station,
Tambaram District.
(Crime No.941 of 2023)

3.Central Prison, Puzhal, Chennai.

4.The Public Prosecutor, Madras High Court.



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C.V.KARTHIKEYAN, J.

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