



WEB COPY



Crl.O.P.No. 29060 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29060 of 2023

1. Sakthirajan

2. Vinoth Kumar

... Petitioners

Vs.

State Rep by

The Inspector of Police,

G-7, Acharapakkam Police Station,

Chengalpattu District.

Crime No.427 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime No.427 of 2023 on the file
of the respondent police.

For Petitioners : Mr.R.Sasi Kumar

For Respondent : Ms.G.V.Kasthuri

Additional Public Prosecutor.

ORDER

The petitioners who were arrested and remanded to judicial custody
on 04.11.2023, seeks bail in Crime No.427 of 2023, which was registered by
the respondent Police for the offences under Sections 8(c) , 20(b)(ii)(B) of
NDPS Act, 1985.



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2. The case of the prosecution is that the petitioners were found to be in possession of 1.100 kgs of ganja. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have been in judicial custody from 04.11.2023 and hence, he seeks for granting of bail to the petitioners.

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioners were found to be in possession of 1.100 kgs of ganja. She further submitted that A1 is having one previous case under NDPS Act and A2 is having four previous cases, out of which, two cases are similar in nature. She further submitted that the Inspector of Police has produced the seized contrabands along with vehicle before the learned Principal Special Judge, Special Court under EC and NDPS Act, Chennai and the same was taken on file and assigned A.No.1649 of 2023, B.No.977 of 2023 dated 27.12.2023. Hence, she opposed for granting of bail to the petitioners.



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5.Heard both sides and perused the materials available on record.

6.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioners and also considering the nature of cases and the quantity of contraband seized, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bonds 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, Madhuranthagam and on further conditions that:

[b] the petitioners shall report before the trial court, daily at 10.00 a.m. until further orders.

[c] the petitioners shall not commit any offences of similar nature.

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

[e] the petitioners shall not tamper with evidence or witness either



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during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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 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].

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

28.12.2023

Vv/vca

To

1. The learned Judicial Magistrate-II,
Madhuranthagam
2. The Inspector of Police,
G-7, Acharapakkam Police Station,
Chengalpattu District.
3. The Central Jail, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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Vv/vca

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