



CrI.O.P.No.29112 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P. DHANABAL

CrI.O.P.No.29112 of 2023

Vijay

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.462 of 2023 on the file
of the respondent.

For Petitioner : Mr.A. Elumalai

For Respondent : Mr.G.V.Kasthuri,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.11.2023 for the offences punishable under Section 8(c) r/w Sections 20(b)(ii)(B), 25, 29(1) of NDPS Act in Crime No.462 of 2023 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner was found in possession of 1,100 grams of Ganja, which had been seized.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that there is no previous case against the petitioner. Therefore, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner was found in illegal possession of 1,100 Kgs of Ganja. Hence, she vehemently opposed to grant bail to the petitioner.



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5. Taking into consideration, the facts and circumstances of the case and considering the period of incarceration by the petitioner from 23.11.2023 and also considering that the petitioner has no previous case, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on 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 XVIII 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 appear before the respondent police daily at 10.30 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.



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[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.

29.12.2023

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To

- 1.The XVIII Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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P. DHANABAL, J.

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