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Crl.O.P.No.32 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

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

Crl.O.P.No.32 of 2024

1. Loganathan

2. Yusuf

... Petitioners/Accused (1 & 3)

Vs.

The State rep. by
The Inspector of Police,
D5, Marina Police Station
Chennai.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.255 of 2023 pending
on the file of the respondent Police.

For Petitioners : Mr. P.Thinesh

For Respondent : Mr. L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.11.2023, registered by the respondent Police for the offences under Section 8(c), read with 20(b), (ii), (B) & 29(1) of NDPS Act, in Crime No.255 of 2023, seeks bail.

2. It is stated that there are totally three accused and all of them were found in possession of of 1.250 kilograms of Ganja.

3. The reason why the bail application was dismissed by the learned Sessions Judge was that there are two previous cases against the first accused and three previous cases against the third accused.

4. However, taking into consideration the period of incarceration and all other factors, this Court is inclined to grant bail to the petitioner with certain conditions.



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5. Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned II Metropolitan Magistrate, 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 petitioners shall report before the respondent police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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



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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].

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

04.01.2024

vsg

To

1. II Metropolitan Magistrate, Chennai.
2. The Inspector of Police,
D5, Marina Police Station
Chennai.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

vsg

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