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Crl.O.P.No. 49 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.49 of 2024

Rokesh @ Jagan

... Petitioner/Accused

Vs.

State rep. by
The Inspector of Police,
D-5 Marina Police Station,
Chennai.
Crime No. 252 of 2023

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.252 of 2023 pending on
the file of the respondent Police.

For Petitioner : Mr. P.Praveen Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.11.2023, registered by the respondent Police for the offences under Section 8(c), read with 20(b), (ii), (B) of NDPS Act, in Crime No.252 of 2023, seeks bail.

2. It is stated that the petitioner was found in possession of 1.300 kilograms of Ganja.

3. The reason for the bail application was dismissed by the learned Sessions Judge was that there are three previous cases under IPC against the petitioner herein.

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 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 learned II Metropolitan Magistrate, Egmore, 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, everyday 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.

[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 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.

04.01.2024

vsg

To

1. II Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,
D-5 Marina Police Station,
Chennai.
3. The Central Prison, Puzhal-II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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vsg

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