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Crl.O.P.No. 109 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

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

Crl.O.P.No.109 of 2024

1. Gousebasha

2. Mohammed Arif

... Petitioner/Accused-2 & 3

Vs.

State rep. by
The Inspector of Police,
D5, Marina Police Station,
Chennai.
(Cr.No. 250 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime No.250 of 2023 pending
on the file of the respondent Police.

For Petitioner : Mr. K.Kamal

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 17.11.2023, registered by the respondent Police for the offences under Section 8(c), read with 20(b), (ii), (B), 20(b) and 29(1) of NDPS Act, in Crime No.250 of 2023, seek bail.

2. It is stated that the first accused is still in custody and the respondent had seized 1.300 kgs of Ganja from the first accused. So far as these petitioners are concerned, it is stated that there are three previous cases against each of the petitioners of which one under NDPS Act and two are under IPC.

3. However, taking into consideration the period of incarceration and the quantity of contraband seized, which is intermediate quantity and that it was seized only from the first accused and all other factors and that the investigation has been completed and await forensic science laboratory report, this Court is inclined to grant bail to the petitioners with certain conditions.



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4. 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 Court, 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.

05.01.2024

vsg

To

1. II Metropolitan Magistrate Court, Egmore, 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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