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Crl.O.P.Nos.116 and 254 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

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

Crl.O.P.Nos.116 and 254 of 2024

1.Johnson ... Petitioner in Crl.O.P.No.116 of 2024
2. Surya @ Manikandan ... Petitioner in Crl.O.P.No.254 of 2024

Vs.

The State represented by
The Inspector of Police,
H-6, R.K. Nagar Police Station,
Chennai
(Crime No.742 of 2023)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.742 of 2023 on the file
of the respondent Police.

For Petitioner in Crl.O.P.No.116 of 2024 : Mr.K. Thenrajan

For Petitioner in Crl.O.P.No.254 of 2024 : Mr.S. Mohammed Aasif

For Respondents in both Crl.O.P's : Mr.L.Baskaran
Government Advocate (crl.side)



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COMMON ORDER

The petitioners/A1 and A4 who were arrested and remanded to judicial custody on 26.11.2023 for the offences registered under Sections 8(c), 20(b)(ii)(B), 25 and 29(1) of NDPS Act r/w , in Crime No.742 of 2023 on the file of the respondent Police, seek bail.

2.It is stated that there are totally four accused in this case and the petitioners herein are A1 and A4. The total recovery from all the accused is 4.400 kgs of ganja. It is further stated that the learned Principal Special Court under EC and NDPS Act, Chennai had granted bail for one of the co-accused in Crl.M.P.No.9495 of 2023 vide order dated 26.12.2023.

3.Taking all the factors into consideration and the period of incarceration and also considering the quantity of Ganja seized, I am inclined to grant bail to the petitioners subject to the following conditions:

4.Accordingly, the petitioners are ordered to be released on bail on condition to execute 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



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the learned XV Metropolitan Magistrate at George Town, 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 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.

24.01.2024

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To

1.The **XV Metropolitan Magistrate at George Town, Chennai .**

2.The Inspector of Police,
H-6, R.K. Nagar Police Station,
Chennai

3.The Central Prison, Puzhal, Chennai



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C.V.KARTHIKEYAN,J.

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