



Crl.O.P.No.519 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

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

Crl.O.P.No.519 of 2024

Divan @ Thilruba

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
B-1 North Beach Police Station,
Chennai.
[Crime No.238 of 2023]

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in C.C.No.1022 of 2023 on the file of the Principal Sessions Court under EC & NDPS Act, Chennai.

For Petitioner : Mr. Mohammed Aasif

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



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ORDER

The petitioner seeks bail in C.C.No.1022 of 2023 now pending trial before the learned Principal Sessions Judge, Special Court under EC & NDPS Act, Chennai.

2.Originally, the petitioner was arrested and remanded to judicial custody on 26.08.2023 for the offences punishable under Section 8(c) r/w Sections 20(b)(ii)(B), 29(1) of NDPS Act, 1985 in Crime No.238 of 2023 on the file of the respondent police.

3.It is stated that the petitioner is a transgender. The petitioner and other accused were found in possession of 1.250 Kgs of Ganga, which had been seized. It is stated that final report had been filed and had been taken cognizance in C.C.No.1022 of 2023 and the trial is now pending before the the learned Principal Sessions Judge, Special Court under EC & NDPS Act, Chennai.

4.Taking into consideration the period of incarceration suffered by the petitioner herein, this Court is inclined to grant bail to the petitioner herein subject to the following condition.



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 VIII Metropolitan Magistrate, G.T. Court, 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 trial Court every Monday at 10.30 a.m., till completion of trial, quite apart from the Court hearing dates.

[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 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].



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C.V.KARTHIKEYAN. J.

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

10.01.2024

smv

To

1. The VIII Metropolitan Magistrate, G.T.Court, Chennai.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
B-1 North Beach Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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