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Crl.O.P.No.621 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

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

Crl.O.P.No.621 of 2024

- 1.Muthu Kumar S/o. Mari Samy
- 2.Suriya Prakash S/o. Selvam
- 3.Muhamad Ushain S/o. Jagabar Saithiq
- 4.Kareem S/o. Mushthappa

... Petitioners/Accused 1 to 4

Vs.

The State represented by
The Inspector of Police,
PEW, Redhills Police Station,
Thiruvallur District.

(Crime No.626 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.626 of 2023 on the file
of the respondent.

For Petitioners : Mr.Azhagu P.Senthilkumar

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



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ORDER

The petitioners/A1 to A4 in Crime No.626 of 2023, registered by the respondent police for the offences under Sections 8(c), 20(b)(ii)(B) and 29(1) of NDPS Act, seek bail. They had been remanded to custody on 13.12.2023.

2.The 1st accused was in possession of 4 kgs of ganja and A2, A3 and A4 were in possession of 2 kgs of ganja each.

3.It is stated that there is one previous case against A1 under IPC offences.

4.The learned counsel for the petitioners pointed out the period of incarceration suffered by the petitioners herein.

5.It is stated on behalf of the respondent that investigation has been completed and the laboratory report alone is awaited.

6.Taking all the factors into consideration, I am inclined to grant bail to the petitioners subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate 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 Judicial Magistrate II, Ponneri., and on further conditions that: -



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[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 appear before the respondent police daily 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.

22.01.2024

ata

C.V.KARTHIKEYAN, J.

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To



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1.The Judicial Magistrate II, Ponneri.

2.The Inspector of Police,
PEW, Redhills Police Station,
Thiruvallur District.

3.Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

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