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Crl.O.P.No.2200 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.02.2024**

CORAM

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

Crl.OP.No.2200 of 2024

Gayathri

...Petitioner

Vs.

The state of Tamil Nadu
Rep by the Inspector of Police,
PEW-Adyar Police Station,
Chennai,
Crime No. 60 of 2023

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in C.C.No.654 of 2023 on the file of the Principal Special Judge under EC and NDPS Act, Chennai connected with the Crime No. 60 of 2023 on the file of the respondent police.

For Petitioner : Mr. M. Illiyas

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

ORDER

The petitioner/A3 is an accused in C.C.No.654 of 2023 which is now pending before the Principal Special Judge under EC and NDPS Act,



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Chennai. Charges have been framed under Sections 8(c) r/w 20(b)(ii)(B), 25 and 29(1) of NDPS Act.

2. The petitioner was arrested on 19.06.2023. It is stated that A1 and A2 were found in possession of 10 kgs of Ganja near a school and also had a black colour school bags with them.

3. The learned counsel for the petitioner submitted that based on the confession statement given by A1 and A2 this petitioner was implicated in this case.

4. The learned Government Advocate(Crl side) submitted that investigation was completed and charge sheet was also filed. An earlier application filed by the petitioner was dismissed on 15.11.2023 in Crl.O.P.No.24526 of 2023.

5. Taking those factors into consideration which are significant change in circumstances, I am inclined to grant bail to the petitioner subject to the following conditions:



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6. 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 **Principal Special Judge under EC and NDPS Act, 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 **Principal Special Judge under EC and NDPS Act, Chennai** for a period of four weeks i.e on every Monday at 10.30 a.m., till completion of trial, 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



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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].

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

05.02.2024

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C.V.KARTHIKEYAN, J.

smn

To

1. The **Principal Special Judge under EC and NDPS Act, Chennai**

2. The Inspector of Police,
PEW-Adyar Police Station,
Chennai,

3. Central Prison, Puzhal.

4. The Public Prosecutor, Madras High Court.

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