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Crl.O.P.No.1320 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.No.1320 of 2024

Venkatesh Perumal @ simon

... Petitioner

Vs.

The State represented by
The Inspector of Police,
PEW Anna Nagar Police Station,
Chennai.
Crime No.461 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in C.C.No.785 of 2023 on the file of
the Principal Special Court under EC & NDPS Act cases at Chennai.

For Petitioner : Mr.P. Senthilmurthy

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

ORDER

The petitioner/accused seeks bail for the alleged offences under
Sections 8(c), r/w 20(b) (ii) (B), 25 of NDPS Act 1985 in crime no.461 of
2023 and also in C.C.No.785 of 2023 pending on the file of the Principal



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Special Court under EC & NDPS Act cases at Chennai.

2. It is stated that the petitioner was arrested and taken to judicial custody on 14.07.2023 and he was found in possession of 6,150 kgs of ganja.

3.It is stated by the learned Government Advocate (Crl. Side) for the respondent submitted that the petitioner had been detained under Act 14 of 1982 and subsequently, the said detention order had been quashed by the Division Bench of this Court in H.C.P.No.1813 of 2023 by order dated 20.12.2023. It is also stated that investigation has been completed and final report has taken cognizance by the concerned Judicial Magistrate.

4.The respondent Police had completed the investigation and filed the final report before the Principal Special Court under EC & NDPS Act, Chennai.

5.Taking all these factors into consideration and in order to give an opportunity to the petitioner to defend his case during the course of trial, 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 learned Principal Special Court under EC & NDPS Act cases at 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 learned Principal Special Court under EC & NDPS Act cases at Chennai, on everyday, till the case is committed to the Court of Sessions and thereafter, report before the Sessions Court, on every Monday, till the charges are framed by the Sessions Court and thereafter, during 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



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[(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 Principal Special Court under EC & NDPS Act cases at Chennai
- 2.The Inspector of Police,
PEW Anna Nagar Police Station,
Chennai.
- 3.The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN, J.



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