



Crl.O.P.No.1251 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM

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

Crl.O.P.No.1251 of 2024

Prabu S/o. Sankar

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
T-4, Shankar Nagar Police Station,
Chennai.

(Crime No.753 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.753 of 2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.M.Suriya

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



WEB COPY



Crl.O.P.No.1251 of 2024

ORDER

The petitioner/A2 in Crime No.753 of 2023, registered by the respondent for the offences under Sections 8(c) r/w 20(b)(ii)(B) & 29(1) of NDPS Act, 1985, seeks bail.

2.The petitioner had been remanded to custody on 09.09.2023 with possession of 1.300 kgs of ganja in a black plastic cover.

3.The learned counsel for the petitioner stated that A3, who was absconding, has now filed anticipatory bail application before this Court.

4.A counter affidavit has been filed wherein it had been stated that there are 8 previous cases against the petitioner herein but they are IPC offences. It is further stated in the counter affidavit that the contraband had been seized from A1 and that it is not a non-commercial in nature.

5.Taking into consideration the period of custody and the fact that A3 has also filed an application seeking anticipatory bail before this Court and also the quantity seized, which is intermediate quantity, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on



Crl.O.P.No.1251 of 2024

WEB COPY

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 District Munsif cum Judicial Magistrate, Pallavaram, 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 respondent police everyday at 10.30 a.m., until further orders.

[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].

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



WEB COPY

ata



Crl.O.P.No.1251 of 2024

29.01.2024

C.V.KARTHIKEYAN. J.

ata

To

1. The District Munsif cum Judicial Magistrate, Pallavaram.
2. The Superintendent,
Central Prison, Puzhal.
3. The Inspector of Police,
T-4, Shankar Nagar Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.1251 of 2024

29.01.2024