



Crl.O.P.No.1333 of 2024

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.1333 of 2024

Hemkumar
S/o. Muthu

... Petitioner / A1

Vs.

The State represented by
The Inspector of Police,
T-4 Shankar Nagar Police Station,
Chennai.
(Crime No.753 of 2023)

... Respondent /Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.753 of 2023 on the file
of the respondent.

For Petitioner : Mr. P.Sundara Rajan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.12.2023 for the offences punishable under Section 8(c) r/w Sections 20(b)(ii)(B), 29(1) of NDPS Act in Crime No.753 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the petitioner along with other accused were found in possession of 1.300 Kgs of Ganja, which had been seized. It is also stated that the co-accused had been granted bail by this Court. It is also stated that there are five previous cases against the petitioner herein under IPC sections and no previous cases under NDPS Act.

3.Taking all these factors into consideration and the period of incarceration suffered by the petitioner and also the fact that the contraband seized is an intermittent quantity, I am inclined to grant bail to the petitioner subject to the following conditions:

4.Accordingly, the petitioner is ordered to be released on bail on executing 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 District Munsif cum Judicial Magistrate, Pallavaram, and on further



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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 petitioner shall appear before the respondent police daily 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.

29.01.2024

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C.V.KARTHIKEYAN, J.

smv

To

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

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