



WEB COPY



Crl.O.P.No.1426 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

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

Crl.O.P.No.1426 of 2024

Sethu @ Sethupathi

... Petitioner

Vs.

The State represented by
The Inspector of Police,
E-5 Sholavaram Police Station,
Chennai.
Crime No.698 of 2018

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.698 of 2018 on the file
of the respondent Police.

For Petitioner : Mr.M.Iliyas

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on PT Warrant on 15.12.2023 for the offences registered under Sections 8(c)



Crl.O.P.No.1426 of 2024

r/w 20(b)(ii)(B) and 29(1) of NDPS Act, in Crime No.698 of 2018, on the file of the respondent Police, seeks bail.

2.It is stated that the petitioner was originally arrested on 07.05.2023 and he had been detained under Act 14 of 1982 and subsequently, the detention order has been revoked.

3.It is further stated that the petitioner was found in possession of 1.500 kgs of Ganja.

4.The learned Government Advocate (crl.side) raised objections stating that there are 33 previous cases against the petitioner.

5.On perusal of the details, it shows that in all those cases, he had been granted bail and the matters are pending for trial and after investigation, final report had not been taken for trial.

6.Taking all other factors into consideration and the detention order has been revoked and also of the fact that the quantity of contraband seized which is an intermediate quantity, I am inclined to grant bail to the petitioners subject to the following conditions:

7.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



Crl.O.P.No.1426 of 2024

Judicial Magistrate No.I, Ponneri, 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.

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Crl.O.P.No.1426 of 2024

C.V.KARTHIKEYAN,J.

Vkr

To

- 1.The Judicial Magistrate No.I, Ponneri.
- 2.The Inspector of Police,
E-5 Sholavaram Police Station,
Chennai.
- 3.The Central Prison, Puzhal.
- 4.The Public Prosecutor, High Court of Madras.

Crl.O.P.No.1426 of 2024

08.02.2024