



Crl.O.P.Nos.1509 & 1545 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

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

Crl.O.P.Nos.1509 & 1545 of 2024

1.Rubeshh ...Petitioner/A1 in Crl.O.P.No.1509 of 2024

2.Joy Sujay Kumar @ Joy ...Petitioner/A2 in Crl.O.P.No.1545 of 2024

Vs.

State represented by
The Inspector of Police,
R11, Ramapuram Police Station,
Chennai.

...Respondent/Complainant in both Crl.O.Ps.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.434 of 2023 on the
file of the respondent police.

For Petitioner/A1 : Mr.J.Dinesh
in Crl.O.P.No.1509 of 2024
For Petitioner/A2 : Mr.R.Sathiyaraj
in Crl.O.P.No.1545 of 2024



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For Respondent : Mr.L.Baskaran,
Govt. Advocate (Crl. Side)
in both Crl.O.Ps.

COMMON ORDER

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 21.12.2023 for the offences punishable under Section 8(c) r/w Section 20(b)(ii)(B), 22(b), 29(1) of NDPS Act, seek bail.

2.The case of the prosecution is that A1 was found in possession of 200 grams of Ganja and A2 was found in possession of 5.4 grams of Methamphetamine and both the quantities are non-commercial quantity / intermittent quantity.

3.It is stated that there are four previous cases against A1, but all the cases are under IPC sections and there is no previous case against A2. It is also stated that there is yet another accused / A3, who had been granted bail in Crl.O.P.No.2801 of 2024 dated 09.02.2024.

4.Taking all the factors into consideration and the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners.

5.Accordingly, the petitioners are ordered to be released on bail on



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condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Poonamallee 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 petitioners shall report before the respondent police everyday at 10:30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

C.V.KARTHIKEYAN. J.



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

12.02.2024

smv

To

1. The Judicial Magistrate No.I, Poonamallee.
2. The Central Prison, Puzhal - II, Chennai.
3. The Inspector of Police,
R11, Ramapuram Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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