



Crl.O.P.No.3308 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

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

Crl.O.P.No.3308 of 2024

Arumugam
S/o.Chandran

... Petitioner/A1

Vs.

The State rep. by,
The Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai.

(Crime No.148 of 2023)

... Respondent

PRAYER:

Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in pending investigation in C.C.No.900 of 2023 on the file of Principal Special Judge under NDPS & Ec Act, Chennai in Crime No.148 of 2023 on the file of the respondent police on such terms and conditions.



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For Petitioner : Mr.A.Vinoth Kumar

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioner seeks bail in Crime No.148 of 2023, registered by the respondent police for the offences punishable under Section 8(c) r/w 20(b)(ii)(B) & 25 and 29(1) of NDPS Act.

2. The petitioner had been taken into custody on 26.07.2023 and there is yet another accused A2, who had been granted bail by the learned Principal Special Judge under EC & NDPS Act, Chennai in Crl.M.P.No.5907 of 2023 by an order dated 29.08.2023.

3. It is stated by the learned Government Advocate (Crl.Side) that there are 23 previous cases as against the petitioner herein. But, however in most of them he had been granted bail.



4. It is also stated after completion of investigation, final report had been filed and the same had been taken cognizance as C.C.No.900 of 2023 which is now pending before the Special Court for EC & NDPS Act, Chennai.

5. Taking all the factors into consideration, I am inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the **Principal Special Judge under NDPS & EC Act, 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 appear before the respondent police everyday at 10.30 a.m., for a period of 20 days and thereafter, appear before the Special Court for EC & NDPS Act, Chennai, everyday at 10.30 for a period of 30 days and thereafter, during the Court hearing dates.



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[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 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].

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

19.02.2024

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C.V.KARTHIKEYAN. J.

rjr

To

1. The Principal Special Judge under NDPS & EC Act, Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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