

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

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

Crl.OP.Nos.4848 & 4866 of 2024

Dhanush Raj ...Petitioner in Crl.O.P.No.4848 of 2024

Sanjay ...Petitioner in Crl.O.P.No.4866 of 2024

Vs.

State rep. by
The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
(Crime No.1027 of 2023)

...Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions are filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in FIR in Crime No.1027 of 2023 on the file of the respondent police.

For Petitioners
in both Crl.O.Ps : Mr.P.Chandrasekar

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

COMMON ORDER

The 3rd accused has filed Crl.O.P.No.4848 of 2024 and the 6th accused has filed Crl.O.P.No.4866 of 2024, both in Crime No.1027 of 2023, registered by the respondent for the offences under Sections 8(c) r/w 20(b)(ii)(B) and 29(1) of NDPS Act, 1985 as amended by Act 9/2001, seek bail. They were both remanded to judicial custody on 29.12.2023.

2.All the accused were found in illegal possession of 1.250 kgs of Ganja.

3.The learned counsel for the petitioners stated that several of the accused had already been granted bail by the Sessions Court.

4.Taking into consideration the period of incarceration and the quantity of contraband seized which is an intermediate quantity, this Court is inclined to grant bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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 Judicial Magistrate No.II, 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 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].

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

29.02.2024

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C.V.KARTHIKEYAN, J.

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To

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

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