



Crl.O.P.No.5745 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

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

Crl.O.P.No.5745 of 2024

1.Imran

2.Ashok Kumar @ Ashok

...Petitioners/Accused 1 & 2

Vs.

State represented by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.

(Crime No.520 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail concerned in Crime No.520 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioners : Mr.B.Dineshkumar

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



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ORDER

The petitioners/A1 and A2 in Crime No.520 of 2023, registered by the respondent police for the offences under Sections 8(c) r/w 20(b)(ii)(B), 25 and 29(1) of NDPS Act and remanded to judicial custody on 20.09.2023 with possession of 2 kgs of ganja, seek bail.

2.It is the case of the prosecution that the respondent received an information and went over to Chinnandy Madam at around 6.00 a.m., on 20.09.2023 and intercepted two accused in a two-wheeler and recovered 2 kgs of ganja from them.

3.The one objection raised is about the previous cases against the petitioners. It is stated that as against A1, there are 19 previous cases, except for one, all of them are under IPC offences and as against A2, there are five previous cases, all of them are under IPC offences.

4.It is seen that investigation has been completed and final report



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has also been filed before the Principal Special Judge for EC and NDPS Court, Chennai.

5.Taking into consideration the fact that investigation has been completed and also the quantity of ganja seized is intermediate in nature, I am inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on 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 X Metropolitan Magistrate, Egmore, 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 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



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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.

19.03.2024

ata

C.V.KARTHIKEYAN. J.



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To

ata

1. The X Metropolitan Magistrate Court, Egmore, Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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