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Crl.O.P.No.6975 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

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

Crl.O.P.No.6975 of 2024

Rajaram

...Petitioner

Vs.

The State, represented by
The Inspector of Police,
Kodungaiyur Police Station,
Chennai.
Crime No.742 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/Accused on bail pending investigation in Crime No.742 of 2023 on the file of the respondent police.

For Petitioner : Mr.P.Prabhakaran

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (crl.side)

ORDER

The petitioner/A2 who was arrested and remanded to judicial custody for the offences under Section 8(c) read with 22(c), 25 and 29(1)



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of the NDPS Act in Crime No. 742 of 2023 on the file of the respondent Police, seeks bail.

2. The petitioner/A2 had been remanded to judicial custody on 23.12.2023. It is the case of the prosecution that the respondent had received information about two persons selling Narcotic substances near Kodungaiyur Parvathi Nagar Bus Stop. This information was entered in the general diary and thereafter, the respondent had proceeded to that place and had taken in custody the two accused. They were found in possession of 80 strips of 15 tablets each of Notravet-10 (Nitrazepam tablets 1P-10 MG). This seizure was actually from the first accused. It was stated that the first accused would procure the same from courier service and hand it over to one Ajay of Maathur and Shaafi of Redhills, who had ordered the tablets online and couriered it to addresses in and around Kodungaiyur.

3. The learned counsels stated that the petitioner is innocent of the offences and sought bail.



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4. It is further seen that there has been no recovery from this petitioner. The recovery is only from A1. One change in circumstance is that A3 has also been arrested and the prosecution has dropped A4 from the list of accused. The earlier application seeking bail was dismissed on 06.03.2024 in Crl.O.P.No.3370 of 2024.

5. Taking into consideration the period of incarceration and also the fact that there is no recovery from this petitioner, bail is granted to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, for a like sum to the satisfaction of the learned The Principal Special Judge for NDPS Act Cases at 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 report before the respondent



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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.

25.04.2024

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To

1. The State, represented by
The Inspector of Police,
Kodungaiyur Police Station,
Chennai.
2. The Central Prison-II, Puzhal.
3. The The Principal Special Judge for NDPS Act Cases,
Chennai.



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4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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