



Crl.O.P.No.6352 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

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

Crl.O.P.No.6352 of 2024

Joshva @ Jack @ Ashok

...Petitioner

Vs.

State represented by
The Inspector of Police,
PEW, Gummidipoondi Police Station,
Tiruvallur District.
(Crime No.264 of 2023).

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.264 of 2023 on the
file of the respondent police.

For Petitioner : Mr.R.Muthukumar

For Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (Crl. Side)



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ORDER

The petitioner / A7, who was arrested and remanded to judicial custody on 22.08.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 29(1) of NDPS Act in Crime No.264 of 2023 on the file of the respondent, seeks bail.

2.It is the case of the prosecution that on 18.06.2023, on receiving information, the respondent had gone to the scene of occurrence and arrested six accused persons and recovered 6 kgs of Ganja from each one of the accused, totally measuring 36 kgs of Ganja. Subsequently, on the basis of their confession statement, the petitioner herein had been implicated. The specific overt act as against the petitioner is that he had transferred cash to the accused and it is also stated the call record details reveal that the petitioner herein has been in active contract with the named accused persons.



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3.The earlier petition seeking bail had been dismissed on 03.11.2023 in Crl.O.P.No.24713 of 2023. Thereafter, four of the other accused had filed Crl.R.C.No.208 of 2024, which came up for consideration before a learned Single Judge of this Court and by order dated 05.03.2024, the learned Single Judge had granted bail.

4.The learned counsel for the petitioner stated that the revision case had arisen out of dismissal of application seeking bail by the learned Principal Session Court for EC & NDPS Act, Chennai, wherein, the petitioners therein had applied for bail under Section 167(2) of Cr.P.C. After examining the rival contentions, the learned Single Judge had thought it was fit case for grant of bail. The learned counsel for the petitioner therefore places parity with the said accused.

5.It is also stated on the side of the respondent that investigation has been completed and charge sheet has been filed before the jurisdictional Court.



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6.Taking all the factors into consideration and considering the period of incarceration suffered by the petitioner herein, I am inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 learned District Munsif cum Judicial Magistrate, Gummidipoondi, 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 police daily 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.



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[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.

05.04.2024

smv

To

1. The District Munsif cum Judicial Magistrate, Gummidipoondi.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
PEW, Gummidipoondi Police Station,
Tiruvallur District.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

smv

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