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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9130 of 2024

Ganapathy @ Ganapathi

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
H-1 Washermenpet Police Station,
Chennai.
Crime No. 100 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/1st accused on bail pending investigation on
the file of the respondent in crime No. 100 of 2024.

For Petitioner : Mr. Hariharan K
For Respondent : Mr.Meganathan
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **24.08.2023** for the alleged offences punishable under Sections **8 (c), 22 (b) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in crime No. 100 of 2024** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused were found to be illegal possession of 60 grams of nitrovit tablet. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is an innocent person. Further, he submitted that co-accused has been released on bail. Learned counsel prays to grant anticipatory bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that accused were found to be illegal possession of 120 nos. of nitrovit tablet. Further, he stated that co-accused has been released on bail and also the petitioner is having three previous cases in IPC offences. However, he raised objection to grant bail.



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5. Considering the period of incarceration undergone by the petitioner and also investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, George Town, 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 police on every Saturday at 10.30 a.m., until further order. Further, the petitioner shall deposit a sum of Rs. 10,000/- to the credit of registered Advocate Clerk's Welfare Association, Chennai, within a period of two weeks from the date of receipt of a copy of this order.



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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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **XV Metropolitan Magistrate, George Town, Chennai.**

2. The Inspector of Police,
H-1 Washermenpet Police Station,
Chennai.

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9130 of 2024

18.04.2024