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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

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

Crl.O.P.No.9440 of 2024

G.Santhosh

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai.
Crime No. 155 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No.155 of 2024 by the
respondent police

For Petitioner : Mr.Esakupandy. A
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.03.2024 for the alleged offences punishable under Sections **8 (c), 20(b)(ii)(A), 25, 29(i) Narcotic Drug's and Psychotropic Substance Act, 1985 r/w Section 328 and 353 IPC in crime No.155 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the accused were found to be illegal possession of 45 grams of Ganja. 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. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a some amount to the charitable purpose as imposed by this Court. 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 45 grams of Ganja and 8 number of Tapentadol Tablets.. Further, he submitted that co-Accused has been released on bai.. However, he raised objection to grant bail.



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5. Considering the period of incarceration undergone by the petitioner and co-accused has been released on bail. 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 XXIII Metropolitan Magistrate Saidapet**, 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 order. Further, the petitioner is directed to deposit a sum of Rs.10,000/- to the credit of registered advocate clerks welfare association, Chennai within a period of two weeks from the date of receipt of a copy of this order.

[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.

17.04.2024

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T.V.THAMILSELVI,J.

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To



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1. The **XXIII Metropolitan Magistrate Saidapet.**

2. The Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai..

3. The Sub jail, Saidapet.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9440 of 2024

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