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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

CrI.O.P.No.9407 of 2024

Vellai Santhosh @ Santhoskumar

... Petitioner

Vs.

State Rep by.

The Inspector of Police

P-4 Basin Bridge Police Station,

Chennai.

Crime No. 113 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to order enlarge the petitioner on bail in crime No.113 of 2024 on the
file of the respondent.

For Petitioner : Mr.U.Yuvaraj

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.03.2024 for the alleged offences punishable under Sections **20(b)(ii)(A) r/w 8 (c) of NDPS Act @ Section 20(b)(ii)(A) r/w 8 (c) of NDPS Act & Section 328 IPC in crime No.113 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the accused was found to be illegal possession of 160 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 was found to be illegal possession of 160 grams of Ganja. Further, he submitted that there is no previous case pending against the petitioner. However, he raised objection to grant bail.



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5. Considering the period of incarceration undergone by the petitioner and also there is no bad antecedents against the petitioner and the petitioner satisfied the twin conditions as required under Section 37 of NDPS Act. 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 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 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

1. The **X Metropolitan Magistrate, Egmore, Chennai.**

2. The Inspector of Police
P-4 Basin Bridge Police Station,
Chennai.

3. The Central Prison, Puzhal -II, Chennai.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9407 of 2024

17.04.2024