



Crl.O.P.No.10427 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

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

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Jo Praveen

...Petitioner/A1

Vs.

State represented by
The Inspector of Police,
M6 Manali Police Station,
Chennai.
(Crime No.348 of 2023)

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.348 of 2023 on the
file of the respondent police.

For Petitioner : Mr.N.Nishar Ahamed
For Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (Crl. Side)



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ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 10.07.2023 for the offence punishable under Section 8(c) r/w Sections 20(b)(ii)(C), 25, 29(1) of NDPS Act, 1985 and Section 120(B) of IPC in Crime No.348 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that by the learned counsel for the petitioner that A2 had been granted bail by order dated 11.10.2023, A3 had been granted bail by order dated 05.09.2023 and A4 had been granted bail by order dated 25.09.2023.

3.The sequence of offence is that the respondent had intercepted a two-wheeler, bearing No.TN-05-CA-2634, in which, both A1 and A2 were travelling. From the possession of this petitioner/A1, 10 kgs of ganja had been seized. Thereafter, this petitioner took the respondent to yet another address at Bajanai Koil Street, Perambur. That is a discovery of a new fact by the respondent. In that particular place, they found A3 and A4 each with possession of 5 kgs of ganja. Since there has been no



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seizure of ganja from A2, he had been granted bail. Since individually from A3 and A4, 5 kgs of ganja had been seized they had been granted bail.

4.The earlier petition seeking bail was dismissed on 07.03.2024 in Crl.O.P.No.2464 of 2024. The quantity of ganja seized from this petitioner is 10 Kgs, which is intermediate quantity. It is also stated that further significant change in circumstance is that investigation has been completed and charge sheet has been filed.

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

6.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 Judicial Magistrate, Thiruvottriyur, 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



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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.

[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.

29.04.2024

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To
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1. The Judicial Magistrate, Thiruvottriyur Chennai.
2. The Puzhal Prison, Chennai.
3. The Inspector of Police,
M6 Manali Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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