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CrI.OP.No.11268 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HON'BLE MR. JUSTICE **K.KUMARESH BABU**

CrI.OP.No.11268 of 2024

Ashwinraj

...Petitioner

Vs.

The State rep. By,
The Inspector of Police,
T-4 - Maduravoyal Police,
Tiruvallore District.
Crime No.257 of 2024

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.257 of 2024 pending investigation on the file of the respondent/complainant.

For Petitioner : Mr.D.Raja

For Respondent : Mr.S.Santhosh
Government Advocate (CrI side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.03.2024 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B), 22(c) and 29(1) of NDPS Act in Crime No.257 of 2024 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner stated that petitioner is innocent and he has been falsely implicated in this case. He further submitted that, this Court granted bail to A1 in CrI.O.P.No.10897 of 2024. Thus, he seeks for grant of bail to the petitioner.

3. The learned Government Advocate (Criminal side) stated that, petitioner is arrayed as A2 in this case. The accused persons were found with illegal possession of 52 grams of Methamphetamine, 1200 grams of ganja. The respondent police recovered a weighing machine from the petitioner. The contraband was recovered from the co-accused. However, he prays for dismissal of this petition.



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4. Taking the peculiar facts and circumstances that contraband was not recovered from the petitioner and also the fact that this Court granted bail to A1 in CrI.O.P.No.10897 of 2024 and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on executing 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-II, Poonamallee**, 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 10.00 a.m., until further orders.



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

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To

- 1.The Judicial Magistrate-II, Poonamallee.
- 2.Central Prison, Puzhal, Puzhal.
- 3.The Inspector of Police,
T-4 - Maduravoyal Police,
Tiruvallore District.
- 4.The Public Prosecutor,
High Court of Madras



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K.KUMARESH BABU, J.

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