



Crl.O.P.No.13074 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

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

Crl.O.P.No.13074 of 2024

Karthik @ Karthikeyan

...Petitioner

Vs.

The State, represented by
The Inspector of Police,
Prohibition Enforcement Wing,
Gummidipoondi.
Crime No.7 of 2024

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/Accused on bail pending investigation in Crime No.7 of 2024 on the file of the Inspector of Police, Prohibition Enforcement Wing, Gummidipoondi, Thiruvallur District.

For Petitioner : Mr.Ganesh Moorthy B.

For Respondent : Mr.V.J.Priyadarsana



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Government Advocate (crl.side)

ORDER

The Criminal Original Petition has been filed by the petitioner / A2, who was arrested and remanded to judicial custody on 11.01.2024, seeking bail in Crime No.7 of 2024 for the alleged offences punishable under Sections 8(c) read with Section 22(c), 29(1) of the Narcotic Drug and Psychotropic Substances Act, 1985.

2. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and false case has been foisted against the petitioner, as if he was in illegal possession of 4290 Nos. of Nitrovet – 10 Tablets. He further submitted that, based on the confession statement of A1, the petitioner was implicated and there is no recovery from him and he was not present in the scene of occurrence. He also submitted that the petitioner is suffering incarceration from 11.01.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court, hence he prayed for grant of bail to the petitioner.



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3. Learned Government Advocate (Crl. Side) appearing for the respondent Police raised objection for granting bail to the petitioner stating that 1st accused was involved in illegal possession of 4290 Nos' of Nitrovet – 10 Tablets and it is commercial quantity. He further submitted that, based on the confession of A1, petitioner was arrested and there is no recovery from him and there is no previous case pending against him.

4. A counter affidavit had been filed, wherein it had been stated that during the course of investigation, the seized contraband along with materials have been produced before the Court. It would also state that samples of the contraband had also been forwarded to the Forensic Science Laboratory. It is significant to point out that A3, who stood on the same footing of the petitioner/A2 had been granted bail by a learned Single Judge of this Court in Crl.O.P.No.9374 of 2024 by order dated 13.06.2024. Even in that case, it had been observed that A3 has been implicated on the basis of the confession of A1. This petitioner is also



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implicated on the basis of the confession of A1. In order to maintain parity, I am inclined to grant bail to the petitioner, subject to the following 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) each with two sureties, for a like sum to the satisfaction of the learned Principal Special Court under EC & NDPS Act, at 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 **everyday 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



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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.

21.06.2024

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To

- 1.The State, represented by
The Inspector of Police,
Prohibition Enforcement Wing,
Gummidipoondi,
Thiruvallur District.
2. The Central Prison, Puzhal, Chennai.
3. The Principal Special Court under EC & NDPS Act,
Chennai – 104.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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