



Crl.O.P.No.12191 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.12191 of 2024

Vikram

S/o.Ilanthendral

..Petitioner/Accused-3

Vs.

The Inspector of Police,
R7 KK Nagar Police Station
Chennai District.
(Crime No.82 of 2024)

...Respondent/Complainant

PRAYER: The Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 praying to grant bail to the petitioner in Crime No.82 of 2024 on the file of the R7 KK Nagar Police Station, Chennai.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.C.E.Prathap
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner on 14.05.2024 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.



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2. The petitioner/accused was arrested and remanded to judicial custody on 07.04.2024 for the alleged offences punishable under Sections 8(c) r/w.20(b)(ii)(B) of the NDPS Act and 4(1)(a) of Tamil Nadu Prohibition Act in Crime No.82 of 2024, on the file of the respondent-police.

3.The case of the prosecution is that on 07.04.2024, the respondent received secret information about the sale of Ganja at Rani Anna Nagar and found suspects there. When enquired, A1 was having 1.5kg of Ganja and A2 and A3/petitioner were found to be in possession of 132 bottles of Tasmac liquor. Hence, the case.

4.The learned counsel for the petitioner/Accused No.3 submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner/Accused No.3 is in judicial custody from 07.04.2024. He, therefore, prayed to grant bail to the petitioner.



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5.The learned Government Advocate (Criminal side) appearing for the respondent police submitted that the petitioner and other accused were in illegal possession of 132 bottles of TASMAC liquor. He further submitted that the petitioner is having one previous case of similar nature. He would further submit that investigation is not yet completed and at this stage of investigation, if bail is granted to the petitioner, he will cause threat to the defacto complainant. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard both sides and perused the materials available on record.

7.The petitioner is having one previous case of similar nature. He has permanent residence and deep roots in the society. Hence, there is less possibility for absconding. Considering the above reasons, the period of incarceration and also with a view to give him an opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:



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(i) The petitioner shall execute a bond for Rs.20,000/- (Rupees Twenty Thousand only) and furnish two sureties each for a like sum of Rs.20,000/- (Rupees Twenty Thousand only) to the satisfaction of the learned **Principal Special Court under EC & NDPS Act, Chennai.**

(ii) The petitioner shall appear and sign before the respondent police daily at 10.00 a.m., until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Special Court shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall not, directly or indirectly, cause any threat to the witnesses; and

(v) On breach of any of the aforementioned conditions, the learned Special Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

16.05.2024

Index : Yes/No
Internet : Yes/No
Neutral citation : Yes/No
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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

1. The Inspector of Police,
R7 KK Nagar Police Station, Chennai.

2. The **Principal Special Court under EC & NDPS Act, Chennai.**

3. The Superintendent, Central Prison, Chennai.

4. The Public Prosecutor, High Court of Madras.



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R.SAKTHIVEL. J.

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