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Crl.O.P.No.12956 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2024

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

Crl.O.P.No.12956 of 2024

1. Surya
 2. Amirtha Lingam
 3. Surya
 4. Santhosh
- 4

... Petitioners/Accused 1 to

Vs.

The State rep. by its,
The Inspector of Police,
T-16, Nazarethpet Police Station,
Avadi, Chennai.
Complainant
Crime No.198 of 2024

... Respondent /

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.198 of 2024 on the file
of the respondent Police.

For Petitioners : Mr.M.Jaisingh

For Respondent : Mr. Leonard Arul Joseph Selvam
Govt. Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.05.2024 for the offences under Sections 8(c), 20(b)(ii)(B), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.198 of 2024 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on 05.05.2024 at 07.30 p.m., on receipt of secret information about selling ganja, the respondent police went to the scene of occurrence, but on seeing them, the petitioners have tried to escape from there, they caught hold of them. On search, the respondent police said to have found out 1 kg. 100 grams of ganja from the petitioners and seized the same.

3. The learned counsel for the petitioners stated that they are innocent persons and they have been falsely implicated in this case.

4. The learned Government Advocate (crl.side) raised objections



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stating that the 1st petitioner/A1 having five previous cases, out of which, one case is similar in nature and the 3rd petitioner/A3 is having one previous case of I.P.C. offence. He would further submit that there is no previous case against 2nd and 4th petitioners/A2 and A4 and investigation is almost completed.

5. So far as the 1st and 3rd petitioners are concerned, taking into consideration of nature of allegation made against them and also of the fact that the quantum of contraband seized from the petitioners 1 and 3 and the fact that there are five previous cases pending against 1st petitioner/A1, out of which, one case is similar in nature and there is one previous case of I.P.C. offence pending against the 3rd petitioner/A3, this Court is not inclined to grant bail to the petitioners 1 and 3. Accordingly, this Criminal Original Petition is dismissed as against the petitioners 1 and 3.

6. Having regard to nature of allegation made against the petitioners 2 and 4 and on considering the quantum of contraband seized from the petitioners 2 and 4 and also of the fact that there is no previous case pending against the petitioners 2 and 4 and taking into consideration, the



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period of incarceration and the fact that investigation is almost completed, this Court is inclined to grant bail to the petitioners 2 and 4 subject to the following conditions:

7. Accordingly, the petitioners 2 and 4 are ordered to be released on bail on condition to execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, **(one must be a blood surety)**, each for a like sum to the satisfaction of the learned **I-Judicial Magistrate, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

30.05.2024

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To

- 1.The I-Judicial Magistrate,
Poonamallee.
- 2.The Inspector of Police,
T-16, Nazarethpet Police Station,
Avadi, Chennai.
- 3.The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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S.SOUNTHAR, J.

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