



Crl.O.P.No.14401 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

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THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.14401 of 2024

Christopher @ Sathish

... Petitioner

Vs.

The State of Tamil Nadu represented by,
The Inspector of Police,
B-7 Vellavedu Police Station,
Thiruvallur.

(Crime No.525 of 2021)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in C.C.No.531 of 2023 pending on
the file of the I Additional Court under EC & NDPS Act, Chennai.

For Petitioner : Mr.R.M.Gokulakrishnan

For Respondent : Mr.V.Meganathan
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
through PT warrant on 01.12.2023, pursuant to the non-bailable warrant of



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arrest issued against him on 01.11.2023, in C.C.No.531 of 2023 pending on the file of the I Additional Court under EC & NDPS Act, Chennai, in connection with Crime No.525 of 2021 registered for the offences under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeks bail.

2. Learned counsel for the petitioner submitted that this is the second application for bail filed by the petitioner before this Court. He further submitted that the petitioner is facing trial in C.C.No.531 of 2023, pending on the file of the I Additional Court under EC & NDPS Act, Chennai and since he was suffered from chicken pox, he was unable to appear before the trial Court on 01.11.2023 and hence, the trial Court has issued a Non Bailable Warrant of arrest against him. He further submitted that the detention order passed against the petitioner was also revoked and now the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and also undertakes that he will appear before the trial Court on all hearing dates without fail, therefore, he prayed for granting bail to the petitioner.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner/accused, who is facing trial in C.C.No.531 of 2023, pending on the file of the I Additional Court under EC & NDPS Act, Chennai, has failed to appear before the trial Court on 01.11.2023, and thereby, pursuant to the Non-Bailable Warrant of arrest issued by the trial Court, he was arrested through PT warrant on 01.12.2023. Hence, he opposed for granting bail to the petitioner.

4. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the undertaking given by the petitioner, 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 his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which, one surety shall be the blood related surety), each for a like sum to the satisfaction of the **I Additional Court under EC & NDPS Act, Chennai**, and on further conditions that:



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[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 appear before the trial Court on all hearing dates, without fail. Further, except on the Court hearing dates, the petitioner shall also report before the respondent Police every alternate day at 10.30 a.m., for a period of three months;

[c] the petitioner after coming out on bail shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the trial;

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence or witness during trial;

[f] 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]*;

[g] If the accused thereafter abscond, a fresh



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FIR can be registered under Section 229A IPC.

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To

1. The I Additional Court under EC & NDPS Act, Chennai.
2. The Inspector of Police,
B-7 Vellavedu Police Station,
Thiruvallur.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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