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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM

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

Crl.O.P.No.16349 of 2024

1.Hemanth Raja
2.Dhishon

... Petitioners

Vs.

State Rep by.
The Inspector of Police
P-1, Pulianthope Police Station,
Chennai. Crime No. 363 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioners in crime No. 363 of 2024 on the file of
the respondent police.

For Petitioners : Mr.A.Nirmal Kumar
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.05.2024 for the alleged offences punishable under Sections 8 (c) r/w 20(b)(ii)(A) of NDPS Act and r/w Section 123 of BNS in crime No. 363 of 2024 on the file of the respondent, seek bail.

2. The case of the prosecution is that the respondent police found the accused persons with illegal possession 500 grams of dried cannabis leaves and 230 grams of Mava. Hence, the case.

3. The learned counsel for the petitioners submit that the petitioners have been falsely implicated in this case and the petitioners are ready to abide any conditions. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that contraband seized from the petitioners is intermediate quantity. However, he raised objection to grant bail.

5. Considering the facts that the contraband seized from the petitioners is intermediate quantity and also the investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioners.



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6. Accordingly, the petitioners are 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 (one blood surety and one local surety)**, each for a like sum to the satisfaction of the **learned Xth Metropolitan Magistrate, Egmore, 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 petitioners shall report before the respondent police on alternative days at 10.30 a.m., until further orders. Further, the petitioners shall deposit a sum of **Rs.15,000/- to the credit of Akshaya Trust, HDFC Bank, Royapettah Branch, SB A/c.No.50100229455060. IFSC Code No.HDFC0003631**

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



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[d] the petitioners 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Xth Metropolitan Magistrate, Egmore, Chennai.**

2. The Inspector of Police
P-1, Pulianthope Police Station,
Chennai.

3. The Central Puzhal Prison, Chennai.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 16349 of 2024

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