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CrI.O.P.No.21003 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.21003 of 2024

Sivashankar @ Shankar Bai

...Petitioner/Accused 2

Vs.

State rep. by
The Inspector of Police,
K-1 Sembium Police Station
Chennai.
Cr.No. 232 of 2024

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Cr.No. 232 of 2024 on the file of the respondent police.

For Petitioner : Mr. P.Santhosh

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.07.2024 for the offences under Sections 8(c), read with 22(c), 27(a), 29(1) of Narcotic Drugs and Psychotropic Substances Act, in Crime No.232 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of Nitrovet 10 mg containing 3300 no's of tablets. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that the petitioner was arrested and remanded to judicial custody on 05.07.2024 for the illegal possession of Nitrovet 10 mg containing 3300 no's of tablets and hence he objected to grant bail to the petitioner. He further submitted that on the basis of the confession statement of the co-accused, this petitioner has been implicated in this case and no recovery from this petitioner and the petitioner is having 13 previous cases under IPC and in that cases, the petitioner was released on bail.

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

6. Considering the rival submissions on either side and considering the nature of offences and the contraband was recovered only from the co-accused and based on the confession of the co-accused, this petitioner has been implicated and that the petitioner is having some previous cases, but those cases are not of similar kind of offences and in those cases, the petitioner was released on bail and also considering the period of incarceration underwent by the petitioner, I am inclined to grant bail to the petitioners, subject to the following conditions:



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[a]. 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, each for a like sum to the satisfaction of the court of *V Metropolitan Magistrate at Egmore*, and on further conditions that:

[b] the petitioner shall report before the learned Principal Special Court under EC and NDPS Act, Chennai, on all working days at 10.30 a.m. until further orders;

[c] The petitioner shall attend in accordance with the conditions of the bond;

[d] The petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[e] The petitioner shall not abscond either during investigation or trial;

[f] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to



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any police officer or tamper with evidence;

[g] 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]; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

20.09.2024

vsg

P.DHANABAL, J.

vsg

To

1. Principal Special Court under EC & NDPS Act, Chennai.



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2. Central Prison, Puzhal-II, Chennai.

3. The Inspector of Police,
K-1 Sembium Police Station
Chennai.

4. The Public Prosecutor,
High Court of Madras.

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