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CRL O.P. No.21298 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.21298 of 2024

Muthurasa S/o. Subbaiya

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
E5 Sholavaram Police Station,
Redhills.
[Cr. No.741 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.741 of 2024 on the file of the respondent police.

For Petitioner : Mr. P. Chandrasekar
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]

ORDER



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The petitioner/Accused, who was arrested and remanded to judicial custody on 25.07.2024 for the offences punishable under sections 8(c) r/w 20(b), (ii), (B), 25 and 29(1) of NDPS Act in Crime No.741 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 1.200 kg of Ganja without having any valid license or permit. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him, that the petitioner was not present at the place of occurrence, that he is in judicial custody for the more than one month. The petitioner is no way connected with the case. Hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner was arrested and remanded to judicial custody on 25.07.2024. There are totally four accused and the petitioner is arrayed as A1. The petitioner along with other accused, was found in possession of 1.200 kg



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of Ganja without having any valid license and hence he objected to grant bail to the petitioner. He further submitted that the petitioner is having one previous case and he was released on bail in that case.

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

6. Considering the rival submissions on either side and considering the fact that contraband seized from the petitioner is not a commercial quantity, that though the petitioner is having one previous case and he was released on bail in that case and also considering the period of incarceration underwent by the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 learned **Judicial Magistrate No.II, Ponneri** and on further conditions that:

[b] the petitioner shall report before the jurisdictional



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Magistrate i.e., The Judicial Magistrate No.II, Ponneri daily at 10.30

A.M. until further orders.

[c] 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;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

TO

- 1.The Judicial Magistrate No.II, Ponneri.
- 2.The Inspector of Police,
E5 Sholavaram Police Station,
Redhills.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor, Madras High Court, Chennai.

P.DHANABAL,J
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