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CrI.O.P.No.21956 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.21956 of 2024

Prakash

...Petitioner

Vs.

The State rep by
Inspector of Police
E-5 Sholavaram Police Station,
Avadi District.
(Crime No.896 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No. 896 of 2023 on the file of the Inspector of Police,E-5 Sholavaram Police Station.

For Petitioner : Mr.P. Chandrasekar

For Respondent : Mrs.G.V. Kasthuri
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.03.2024 for the offences under Sections 8(c) r/w 22(b), 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 as amended by Act 9 of 2001 in Crime No.896 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and others were found in illegal possession of 60 grams of methamphetamine . 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. He further submitted that only based on the confession statement given by the co-accused the petitioners have been implicated in this case. He would further submitted that the petitioner has been in custody since 21.03.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of



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bail to the petitioner.

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4. Learned Additional Public Prosecutor opposes the grant of bail to the petitioner by stating that the the petitioner and others were found in illegal possession of 60 grams of methamphetamine and that there are three previous cases pending against the petitioner.

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

6. Considering the representation made on both sides and the quantity of material involved in this case, the petitioner has some previous cases, in all cases, bail was granted to the petitioner, taking note of the fact that only based on the confession statement given by the co-accused the petitioner has been implicated in this case and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on



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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 *learned Judicial Magistrate No – II, Ponneri* and on further conditions that:

[a] the petitioner shall report before the Principal Special Court under EC & NDPS Act, Chennai-104 , on all working days at 10.30 a.m., until further orders, without fail.

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

[c] the Petitioner shall not commit any offences of 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, 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 any police officer or tamper with the evidence;

[e] the Petitioner shall not abscond either during investigation or trial;

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



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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

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

11.09.2024

smn

To

1.The ***Judicial Magistrate No – II, Ponneri***

2. Inspector of Police
E-5 Sholavaram Police Station,
Avadi District.

3.The Superintendent of Prison,
Central Prison, Puzhal.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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