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CRL O.P. No.21937 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :10.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.21937 of 2024

Latha W/o. Muthu

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai-600 039.
[Cr. No.186 of 2024]

... Respondent

For Petitioner : Mr.P.Santhosh
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S

PRAYER: - The Criminal Original Petition is filed under Section 483 of the BNSS praying to grant bail to the petitioner in Crime No.186 of 2024 on the file of the respondent police.



CRL O.P. No.21937 of 2024

ORDER

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The petitioner/accused, who was arrested and remanded to judicial custody on 02.08.2024 for the offence punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985, in Crime No.186 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was arrested and remanded to judicial custody on 02.08.2024, for illegal possession of 1.100 Kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him. He would further submit that there is no previous case of similar kind of offence as against the petitioner and he is no way connected with the said occurrence. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was arrested and remanded to judicial custody on 02.08.2024, for illegal possession of 1.100 Kgs of Ganja. Hence he



CRL O.P. No.21937 of 2024

opposed to grant bail to the petitioner.

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

6. Considering the representation made on either side and considering the fact that the co-accused were arrested and released on bail and taking into consideration the nature of offence and quantity of contraband materials involved in this case is not a commercial quantity and the petitioner is in custody from 02.08.2024, 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 ***X Metropolitan Magistrate, Egmore, Chennai***, and on further conditions that:

[b] the petitioner shall report ***before the NDPS Court, Chennai***,



CRL O.P. No.21937 of 2024

on all working days until further orders.

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

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

[e] 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.

[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 any police officer or tamper with the evidence.

[g] On breach of any of the aforesaid conditions, the learned



CRL O.P. No.21937 of 2024

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 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].

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

10.09.2024

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

To

- 1.The X Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai-600 039.
- 3.The Central Prison, Puzhal, Chennai.
- 4.The Government Advocate (Crl.Side), High Court, Madras.

5/6



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CRL O.P. No.21937 of 2024

P.DHANABAL,J.

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CRL.OP.No.21937 of 2024

10.09.2024