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CrI.O.P.No.21955 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.21955 of 2024

1. Ishak Raita

2. Santiel Mandal

3. Ansu Raita

... Petitioners

Vs.

State represented by,
The Inspector of Police,
PEW Ambattur Unit

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Cr. No.399 of 2024 on the file
of the N-2 Kasimedu Police Station respondent herein.

For Petitioners : Mr.S. Prabhudoss

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.06.2024 for the offences under Sections 8(c), 20(b)(ii)(c), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.399 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused were in possession 21 kgs of ganja. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He would further submit that the petitioners were arrested and is in judicial custody from 05.06.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. Learned Additional Public Prosecutor appearing for the



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respondent police submitted that the petitioners along with other accused were in possession of 21 kgs of ganja and they transported the contraband through train and from each petitioner 7 kg of contraband was recovered. She further submitted that investigation has been completed and charge sheet also filed and there is no previous case pending against the petitioners. However, she opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made on both sides and the quantity of material recovered from each petitioner and also taking note of the fact that investigation has been completed and charge sheet also filed and there is no previous case pending against the petitioners and also taking into consideration the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

7. 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) each with two sureties, each for a like sum to the satisfaction of the learned



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Judicial Magistrate Ambathur and on further conditions that:-

[a] the petitioners 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 Petitioners 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 Petitioners 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 Petitioners 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 Petitioners in accordance with



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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]; 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 Ambathur
2. The Inspector of Police,
PEW Ambattur Unit
- 3.The Superintendent,
Central Prison, Puzhal, Chennai
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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