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Crl.O.P.No.24166 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24166 of 2024

G.Babu

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai.
(Crime No.495 of 2023)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 483 of B.N.S.S., pleased to enlarge the petitioner on bail in Crime No.495 of 2023 pending on the file of the respondent.

For Petitioner : Mr.K.Naveen Aravindan

For Respondent : Mr.S.Balaji,
Government Advocate (Crl. Side)



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ORDER

The petitioner who was arrested and remanded to judicial custody on 09.08.2023 for the offences **under Sections 29(1), 20(b)(ii)(A) and 8(c) NARCOTIC DRUGS & PSYCHOTROPIC SUBSTANCES ACT, 1985** in **Crime No.495 of 2023**, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner was arrayed as A1 in Crime No.495 of 2023 and stating that the respondent police got secret information then we went to I.O.C yard. Three persons were stopped on the basis of suspicion, they saw us and ran away. When they were caught and tested, they found that they were keeping 22 kg of ganja in the outdoor tank. Hence this case.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the



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petitioner.

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4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner is having 6 previous cases under IPC and no previous cases under NDPS and there was no progress in trial but he is in custody more than 400 days. However, he vehemently opposed to grant bail to the petitioner.

5. Considering all these facts, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (one blood surety), each for a like sum to the satisfaction of the *learned XV Metropolitan Magistrate Court, George Town, Chennai*, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders and appear before the trial Court on every Tuesday;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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



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by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of*

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(f) if the accused thereafter absconds, a fresh FIR can be
registered under Section 229-A IPC.

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To

- 1.The learned XV Metropolitan Magistrate Court,
George Town, Chennai.
- 2.The Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai.
- 3.The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court, Madras

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T.V.THAMILSELVI,J.

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