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Crl.O.P.No.25668 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.25668 of 2024

1. Ajithkumar

2. Jegadheeswaran

... Petitioners/Accused - 4 and 5

Vs.

The State, represented by
The Inspector of Police
R-7, KK Nagar Police Station,
Chennai District.
(Crime No.195 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail in Crime No.195 of 2024 on the file of respondent police.

For Petitioners : Mr.P.Muthamizhselvakumar

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

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 13.09.2024 for the offences under Sections 8(c) 22(b), 29(1) of the NDPS Act in Crime No.195 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 found in illegal possession of 60 Nos. of Nitrovet-10 tablets and 50 Nos. of Topcyntra 100 mg tablets. Hence, the case.

3. Learned counsel appearing for the petitioners/A4 and A5 submitted that the petitioners are innocent persons and they have been falsely implicated in this case; that they have not committed any offence as alleged by the prosecution. He also submitted that no contrabands were recovered from the petitioners. He further submitted that the petitioners have been in judicial custody since 13.09.2024; that they are ready to furnish substantial sureties for their due release on bail and to abide by any conditions that may be imposed by this Court; and therefore, he prayed for the grant of bail to the petitioners.

4. Learned Government Advocate (CrI.Side) for the respondent



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police submitted that there are five accused in this case; that the petitioners are arrayed as A4 and A5; the petitioners, along with other accused, were found in illegal possession of 60 Nos. of Nitrovet-10 tablets and 50 Nos. of Topcyntra 100 mg tablets. He further submitted that there are no previous cases pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioners.

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

6. Considering the representation made by both sides, the nature of offences, that the quantity of contraband involved in this case is not a commercial quantity, that there are no previous cases pending against the petitioners and considering the incarceration period undergone by the petitioners from 13.09.2024, 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 their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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only) each with two sureties, each for a like sum to the satisfaction of the ***XXIII Metropolitan Magistrate Court, Saidapet*** and on further conditions that:

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

[b] the petitioners 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 they are accused, or suspected, or of the commission of which they 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 them 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 law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial



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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 of the B.N.S.

19.10.2024

dk

To

- 1.The XXIII Metropolitan Magistrate Court,
Saidapet.
- 2.The Central Prison,
Puzhal.
- 3.The Inspector of Police
R-7, KK Nagar Police Station,
Chennai District.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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