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CrI.O.P.No.27864 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.27864 of 2024

Sathish @ Aala Sathish

... Petitioner

Vs.

The State represented by,
The Inspector of Police
J-10 Chemmanchery Police Station
Chennai District
(Crime No.297 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail pending trial in C.C.No.453 of 2023 on the file of the Ist Additional Special Court under NDPS & EC Act, Chennai, in connection with Crime No.297 of 2019 on the file of the respondent police.

For Petitioner : Mr.K.Vignesh

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 14.10.2024 pursuant



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to the non-bailable warrant issued against him on 13.12.2023, seeking bail in in C.C.No.453 of 2023 on the file of the Ist Additional Special Court under NDPS & EC Act, Chennai, in connection with Crime No.297 of 2019 on the file of the respondent police.

2. Learned counsel for the petitioner submitted that the petitioner is facing trial in C.C.No.453 of 2023 on the file of the Ist Additional Special Court under NDPS & EC Act, Chennai. He further submitted that the petitioner was regularly appearing before the trial Court on all hearing dates, while so, the petitioner was arrested in yet another case due to which, he was unable appear before the trial Court on 13.12.2023. Thereby, the trial Court has issued a Non Bailable Warrant of arrest against the petitioner and before he could take steps to recall the warrant, he was arrested by the respondent police on 14.10.2024 on execution of Non Bailable Warrant. He also submitted that the petitioner undertakes to abide by any stringent conditions that may be imposed by this Court and he is ready to appear before the trial Court on all hearing dates without fail and that he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner who is facing trial in C.C.No.453 of 2023, on the file of the Ist Additional Special Court under NDPS & EC Act, Chennai, has failed to appear before the trial Court on 13.12.2023 and thereby, the trial Judge had issued a Non-Bailable Warrant of arrest against him and pursuant to which, he was arrested on 14.10.2024 on execution of Non Bailable Warrant. Hence, he opposed for grant of bail to the petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the period of incarceration undergone by the petitioner, 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 his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand**



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only) with two sureties, each for a like sum to the satisfaction of the learned **Ist Additional Special Court for Exclusive trial of Cases under NDPS & EC Act, 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 obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the learned Ist Additional Special Court for Exclusive trial of Cases under NDPS & EC Act, Chennai, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during 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



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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]*;

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

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To

1.

1. The Ist Additional Special Court for Exclusive
trial of Cases under NDPS & EC Act, Chennai

2. The Inspector of Police
J-10 Chemmanchery Police Station
Chennai District

3. The Superintendent of Prison
Puzhal-II

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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