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CrI.O.P.No.28201 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

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

CrI.O.P.No.28201 of 2024

1.N.Alex @ Alex Pandiyan

2.S.Harish

... Petitioners

Vs.

The State Represented by
The Inspector of Police
S-8, Adhambakkam Police Station,
Chennai District.
(Crime No.364 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleaded to enlarge the petitioners on bail, in connection with the Crime
No.364 of 2024, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.E.Vijay

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

ORDER



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This Criminal Original Petition has been filed by the petitioners, who are arrayed as A3 and A4 and arrested and remanded to judicial custody on 13.09.2024, seeking bail in Crime No.364 of 2024 registered for the offence under Sections 8(c), 20(b) (ii) (B) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 13.09.2024, A1 to A4 were found in illegal possession of 2kgs of Ganja and the respondent police had seized the contraband from them and they were arrested and remanded to judicial custody on the same day. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they had been falsely implicated in this case. He has also submitted that the petitioners are in custody from 13.09.2024 and they are also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that there are totally 4 accused involved in this case and the petitioners are arrayed as A3 and A4. While opposing for the grant of bail to the petitioners, he had submitted that on the date of occurrence, A1 to A4 were found in illegal possession of 2 kgs of Ganja and A1 alone had purchased the contraband from Andhra Pradesh and both the petitioners had got one previous case registered under NDPS Act.

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

6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering 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 their executing a bond **each for a sum of Rs.15,000/- (Rupees**



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Fifteen Thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Alandur, 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 petitioners shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with 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]***;

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



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To

1.The Judicial Magistrate No.II, Alandur, Chennai.

2.The Inspector of Police
S-8, Adambakkam Police Station,
Chennai .

3.The Superintendent, Central Prison,
Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

raa

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