



Crl.O.P.No.27660 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.27660 of 2023

Monish Kumar
S/o. Gunasekaran

...Petitioner/A5

Vs.

State represented by
The Inspector of Police,
R-11 Ramapuram Police Station,
Chennai.
[Crime No.264 of 2023]

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.264 of 2023 on the file of the respondent police.

For Petitioner : Mr. R. Ram Kumar

For Respondent : Mr. L. Baskaran
Govt. Advocate (Crl. Side)



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ORDER

The petitioner/A5, who was arrested and remanded to judicial custody on 09.09.2023 for the offences punishable under Sections 8(c) r/w Section 20(b)(ii)(B), 25, 29(1), 22(b) of NDPS Act, 1985 in Crime No.264 of 2023, seeks bail.

2.It is stated that the respondent had seized 2.100 Kgs of Ganja and 34 grams of Methamphetamine from the other accused. It is stated that the car used for transporting the contraband belonged to this petitioner and that had been seized. It is stated that A1 to A4 had been granted bail. A counter affidavit had also been filed on behalf of the respondent, wherein, it has been stated that investigation has been completed and charge sheet has also been filed.

3.Taking all these factors into consideration and the fact that investigation has been completed and charge sheet has also been filed and also the fact that the contraband seized is an intermittent quantity and there is no previous case against the petitioner, this Court is inclined to grant bail to the petitioner herein subject to the following condition.



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4. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate – I, Poonamallee, 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] Initially, the petitioner shall report before the respondent police everyday at 10.30 a.m., till the receipt of summons from the trial Court and on receipt of summons, the petitioner shall appear before the trial Court on every Monday at 10.30 a.m., till charges are framed and thereafter, during the Court hearing dates.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the



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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 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 229A IPC.

09.01.2024

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To

1. The Judicial Magistrate – I, Poonamallee.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
R-11 Ramapuram Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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