



Crl.O.P.No.27788 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

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

Crl.O.P.No.27788 of 2023

1.A.Akash

2.K.Manikandan

...Petitioners/Accused

Vs.

State represented by
The Inspector of Police,
D-2, Annasalai Police Station,
Annasalai, Chennai.
[Crime No.291 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.291 of 2023 on the
file of the respondent police.

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



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ORDER

The petitioners/A1 and A3, who were arrested and remanded to judicial custody on 28.11.2023 for the offences punishable under Section 8(c), 20(b)(ii)(A), 27(a), 29(1) of NDPS Act, 1985 and Section 328 of IPC in Crime No.291 of 2023, seek bail.

2.It is the case of the prosecution that the petitioners / A1 and A3 were found in possession of 10 grams and 5 grams of Ganja respectively, which had been seized. It is also stated that there is no previous case against the petitioners.

3.Taking into consideration the quantity of contraband seized and the period of incarceration suffered by the petitioners herein, this Court is inclined to grant bail to the petitioners herein subject to the following condition.

4.Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned II Metropolitan Magistrate, Egmore, and on further conditions that:



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[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 10.30 a.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 229A IPC.

12.01.2024

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C.V.KARTHIKEYAN. J.

smv

To

1. The II Metropolitan Magistrate, Egmore, Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
D-2, Annasalai Police Station,
Annasalai, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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