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CrI.O.P.No.29581 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

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

CrI.O.P.No. 29581 of 2024

Siva

... Petitioner

Vs.

State rep. by
Inspector of Police,
E-3, Teynampet Police Station,
Chennai – 18.
in Crime No.461 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.
461 of 2024 on the file of the respondent Police.

For Petitioner : Mr.J. William Shakesphere

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

ORDER

Petition seeking bail in respect of Crime No. 461 of 2024 registered for
the offences punishable under Sections 8(c), 20(b)(ii)(B), 29(1) of Narcotic Drugs
and Psychotropic Substances Act, 1985 is on board for consideration.



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2.The incarceration of the petitioner being from 08.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on receiving information that four persons are selling ganja near Aavin Milk Parlour at Nandanam, Chennai, the respondent Police went and found that the petitioner and another was selling ganja. The respondent Police seized 1kg and 800 gms of ganja from the petitioner and 1kg and 240 grams of ganja from another accused, by name, Anbujerome. He further submits that there is no previous case against the petitioner.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant bail to the petitioner with certain conditions and 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 only)** with **two sureties**, each for a like sum to the satisfaction of the learned



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District Munsif cum Judicial Magistrate, Sholinganallur 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 report before the respondent Police, everyday at 06.30 p.m., until further orders;

[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 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 269 of B.N.S.

26.11.2024

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A.D.JAGADISH CHANDIRA., J.

sai

To

1. The District Munsif cum Judicial Magistrate, Sholinganallur
2. Inspector of Police,
E-3, Teynampet Police Station,
Chennai – 18.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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