



Crl.O.P.Nos.28861 of 2023, 104 & 399 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

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

Crl.O.P.Nos.28861 of 2023, 104 & 399 of 2024

A.Kishore @ Kishorekumar

... Petitioner/A2
in Crl.O.P.No.28861 of 2023

Karthick S/o. Murugesan

... Petitioner/A3
in Crl.O.P.No.104 of 2024

Dinesh Babu @ Kari

... Petitioner/A1
in Crl.O.P.No.399 of 2024

Vs.

The State represented by
The Inspector of Police (L & O),
J-09, Thuraipakkam Police Station,
Chennai.
(Crime No.462 of 2023)

... Respondent in all Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., prayed to enlarge the petitioners on bail in Crime No.462 of 2023 on the file of the respondent.

(In Crl.O.P.Nos.28861 of 2023 & 399 of 2024)

For Petitioners : Mr.V.Saravanan

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



Crl.O.P.Nos.28861 of 2023, 104 & 399 of 2024

(In Crl.O.P.No.104 of 2024)

For Petitioner : Mr.P.Thompson

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

COMMON ORDER

The 1st accused has filed Crl.O.P.No.399 of 2024, the 2nd accused has filed Crl.O.P.No.28861 of 2023 and the 3rd accused has filed Crl.O.P.No.104 of 2024. All in Crime No.462 of 2023, registered by the respondent police for the offences under Sections 8(c), 17(b), 21(b), 22(b) r/w 29(1) of NDPS Act, seek bail. All the three accused had been remanded to custody on 30.11.2023.

2.The 1st accused was found in possession of 5 strips (each strip containing 8 tablets) of Tidol tablets, the 2nd accused was found in possession of 4 strips (each strip containing 10 tablets) of Tidol tablets and the 3rd accused was found in possession of 4 strips (each strip containing 10 tablets) of Tidol tablets. Each one of the quantities seized are intermediate in nature.



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3.It is stated that there is one previous case against the 3rd accused and there are no previous cases against the 1st and the 2nd accused.

4.Counter affidavits have been filed with particulars of the contraband had been seized and that the seized products are intermediate in nature and do not find place in the Schedule in NDPS Act.

5.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner in all the criminal original petitions, subject to the following conditions:

6.Accordingly, the petitioner in all the criminal original petitions are ordered to be released on bail on their executing 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 Judicial Magistrate Court No. II, Alandur, 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 appear before the respondent police daily at 10.30 a.m until further orders.



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[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.

22.01.2024

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To

- 1.The Judicial Magistrate Court No.II, Alandur.
- 2.The Inspector of Police (L & O),
J-09, Thuraipakkam Police Station,
Chennai.
3. The Central Prison-II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.

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