



Crl.O.P.No.29141 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.29141 of 2023

Balamurugan
S/o. Ganapathy

...Petitioner/A1

Vs.

State represented by
The Inspector of Police,
E5 – Sholavaram Police Station,
Chennai.
[Crime No.896 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.896 of 2023 on the
file of the respondent police.

For Petitioner : Mr. K. Shivakumar

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



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ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 13.11.2023 for the offences punishable under Sections 8(c), 22(b), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.896 of 2023, seeks bail.

2.It is stated that the petitioner was found in possession of 10 grams of Methamphetamine Substances, which is not commercial quantity. It is stated that the petitioner received the contraband from the other accused. However, the other accused is still absconding.

3.But that would not be a reason for permanently incarcerating the petitioner into the custody.

4.In view of the fact that the entire contraband had been seized and taking into consideration that it is not a commercial quantity and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner herein subject to the following condition.



5. 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 – II, Pooneri, 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 10.30 a.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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate – II, Pooneri.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
E5 – Sholavaram Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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