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Crl.O.P.No.965 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM

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

Crl.O.P.No.965 of 2025

Balaji @ Duke Balaji

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai.

(Crime No.828 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.828 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Manojkumar

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

ORDER

Petition seeking bail in respect of Crime No.828 of 2024 registered for the offences punishable under Sections 8(c) r/w Section 20(b)(ii)(c), 25, 29(1) of



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Narcotic Drugs and Psychotropic Substances Act, 1985, is on board for consideration.

2. The incarceration of the petitioner/A13 being from 05.12.2024 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 submits that even as per the prosecution, the petitioner is said to be a small pedlar and he has been implicated only based on the confession recorded from the other accused and absolutely there is no recovery from him. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/-, to any welfare scheme of the Government or any other organization. He further submits that the petitioner 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 there are totally 13 accused persons and the petitioner/A13 along with other accused persons had entered into a conspiracy for illicit transportation and sale of contraband. In pursuance to the said criminal conspiracy, A10 along



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with other co-accused had possessed 21.900 Kgs of ganja for sale. He would submit that the petitioner has got nine previous cases, out of which 5 cases are under NDPS Act.

4. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, to the credit of **Rehoboth - Home for Mentally Challenged Homeless Women No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai Punjab National Bank , Moulivakkam Branch Account No. 05812010015060 IFSC Code : PUNB0058110 MICR Code : 600024081**, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5. Further, having heard the learned counsel for the petitioner, 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



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of the learned **X Metropolitan Magistrate Court, Egmore, Chennai**, 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 269 of B.N.S.

23.01.2025

Anu

To

1. The X Metropolitan Magistrate Court, Egmore, Chennai
2. The Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Anu

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