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Crl.O.P.No.6303 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6303 of 2025

Vijayakumar @ Viji

... Petitioner/ Accused No.2

Vs.

The State Rep. By,
The Inspector of Police,
E-3, Tynampet Police Station,
Chennai District.
(Crime No.845 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.845 of 2020 in C.C.No.337 of 2022, on the file of the II Additional Special Court for exclusive Trial of Cases under NDPS Act, Chennai.

For Petitioner : Mr. R. Rajadurai

For Respondent : M/s. J. R. Archana
Government Advocate (Crl. Side)



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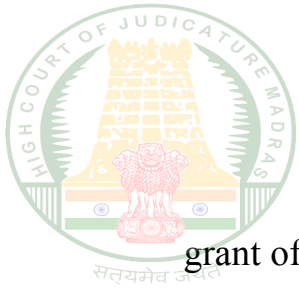
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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 23.01.2025 seeking bail in in C.C.No.337 of 2022 pending trial on the file of the learned Special Judge, II Additional Special Court for exclusive Trial of Cases under NDPS Act, Chennai, in connection with Crime No.845 of 2020 registered for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985.

2. The petitioner is facing prosecution for the offence under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985. The petitioner was initially granted bail during the investigation. During the trial, for his non-appearance, a non-bailable warrant was issued on 25.09.2023 and he was arrested on 23.01.2025.

3. Learned counsel appearing for the petitioner submitted that, the petitioner's non appearance is neither wilful nor wanton and in any case, petitioner is in custody from 23.01.2025 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for



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grant of bail to the petitioner.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that the petitioner has previous cases.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering, the aforesaid facts; the period of incarceration; and since further custody is not required, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 Special Judge, II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai** 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 petitioner shall report before the Trial Court on all working days 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.

26.03.2025

stn

To

1. The Special Judge,
II Additional Special Court for Exclusive Trial of Cases under NDPS Act,
Chennai
2. The Inspector of Police,
E-3, Tynampet Police Station,
Chennai District.
(Crime No.845 of 2020)
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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