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Crl.O.P.No.14851 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2025

CORAM

THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

Crl.O.P.No.14851 of 2025

Azhar

... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
(Crime No.360 of 2018).

... Respondent

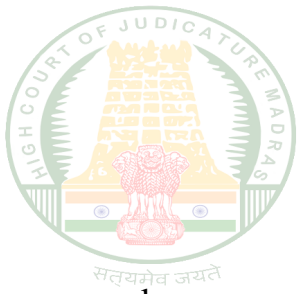
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge her on bail pending investigation of the case in the C.C.No.35 of 2019 on the file of (In the Principal Special Court under EC & NDPS Act).

For Petitioner : Mr.M.Illiyas

For Respondent : Ms.J.R.Archana
Government Advocate (Crl.Side)

ORDER

The petitioner seeks bail in C.C.No.35 of 2019 on the file of Principal Special Judge, Chennai in connection with Crime No.360 of 2018 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. The petitioner has



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been remanded to custody on 06.03.2025 on execution of NBW issued against him.

2.It is a case of jumped bail. The petitioner is an accused in C.C.No.35 of 2019 on the file of Principal Special Judge, Chennai. The petitioner was already granted bail, however, due to non appearance before the Court, Non Bailable Warrant has been issued against him on 06.07.2022.

3.Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner was unable to appear before the Trial Court, as a result of non appearance, NBW was issued against him. He further submitted that the petitioner has been in custody from 06.03.2025. Hence, he prays for grant of bail to the petitioner.

4.Learned Government Advocate (Crl. Side) for the respondent submitted that the petitioner was already granted bail and due to non appearance, NBW was issued against the petitioner and he was secured only on 06.03.2025. However, he vehemently opposed to grant bail to the petitioner.



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5. Heard both side learned counsel and perused the materials available on record.

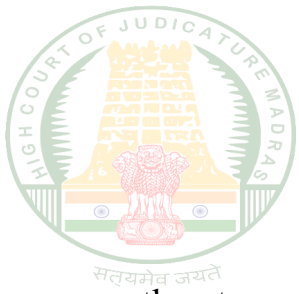
6. Considering that the petitioner was already granted bail and thereafter, due to his non appearance before the Trial Court, NBW was issued and the same has been executed, and the petitioner is in judicial custody from 06.03.2025 and also considering all other factors, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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 **Principal Special Judge, Chennai** and on further conditions that;

[b] the Petitioner shall report before the Trial Court on all working days at 10.30 am., for a period of one month without fail.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement,



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threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

09.05.2025

drl/rna

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To

- 1.The Principal Special Judge at Chennai
- 2.The Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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L.VICTORIA GOWRI, J.

drl/rna

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