

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirtieth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.34874 of 2019

MOHAMED IRFAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY,

THE INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION,
SALEM DISTRICT.

CR.NO. 626 OF 2019.

[RESPONDENT]

For Petitioner : M/S. B.VASUDEVAN Advocate

For Respondent : M/S.SARATHA DEVI V., GOVERNMENT ADVOCATE (Crl.Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 24.10.2019 by the respondent police for an offence under Section 8(c) r/w 20(b) (ii) (B) of NDPS Act 1985 in Crime No.626 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on secret information, the respondent Police went to SOC (near Dalmia Board Tidal park on Omalur to Salem Main and found that the petitioner was in possession of 1.25 Kgs of Ganja. He was arrested and remanded to judicial custody and the contra band was also seized by the respondent police.

3. The learned counsel appearing for the petitioner submitted that a false case has been foisted against this petitioner and he has nothing to do with the alleged offence. The learned counsel further submitted that this petitioner was arrested and remanded to judicial custody on 24.10.2019 and he has already suffered incarceration for more than 67 days. However, to show his bonafide, the learned counsel for the petitioner volunteers that the petitioner shall deposit a Non-refundable amount of Rs.20,000/- to the District Head Quarters Hospital, Salem.

4. The learned Additional Public Prosecutor submitted that there is no previous bad antecedents against this petitioner.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that this petitioner has already suffered incarceration for more than 67 days and there is no previous bad antecedents against this petitioner, this Court is inclined to grant bail to this petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on condition that he shall deposit a sum of Rs.20,000/- (Rupees twenty thousand only) to the District Head Quarters Hospital, Salem and on his executing 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 Special Judge, EC Act cases, (FAC) Salem and III Additional District Judge, Salem 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, daily at 10.30 a.m, until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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].

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

-sd/-

30/12/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE
EC ACT CASES, (FAC) SALEM AND
III ADDITIONAL DISTRICT JUDGE,
SALEM.

2 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

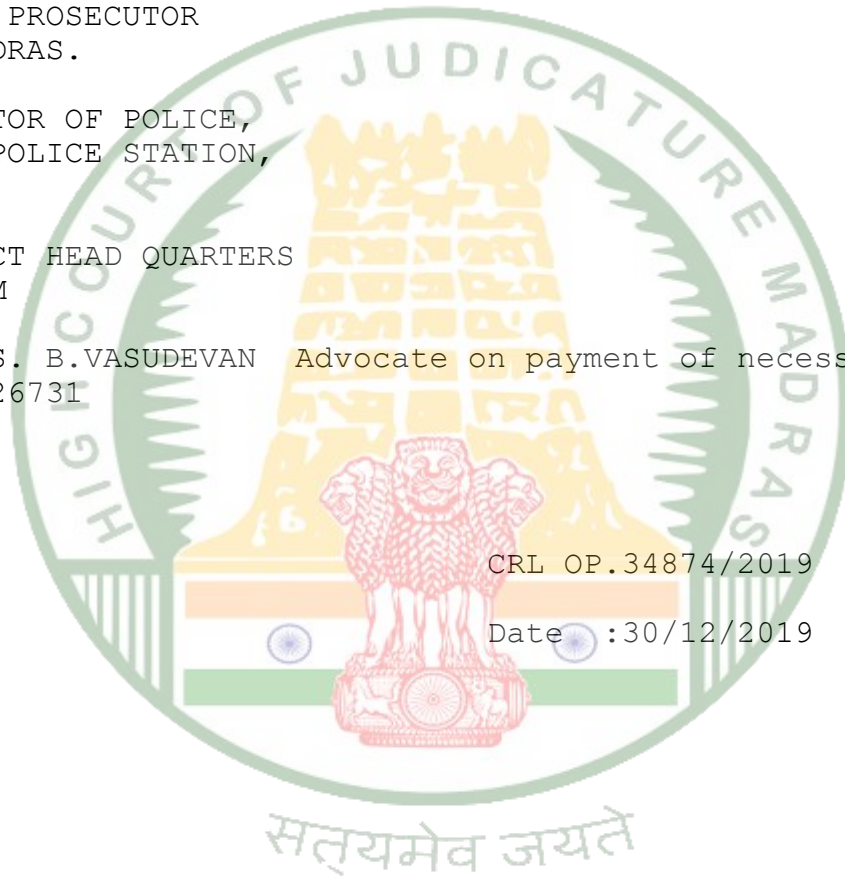
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION,
SALEM DISTRICT.

5 THE DISTRICT HEAD QUARTERS
HOSPITAL, SALEM

+1 CC to M/S. B.VASUDEVAN Advocate on payment of necessary
charges SR.No.26731

cs 31/12/2019



WEB COPY