

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.05.2020

CORAM

THE HONOURABLE MR.JUSTICE. G.K.ILANTHIRAIYAN

Cr1.O.P.No.7491 of 2020

Anowar Hossain

... Petitioner

Vs.

State Represented by its
Inspector of Police,
F4 Thousandlight Police Station,
Chennai.
(Crime No.372 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.372 of 2019 on the file of the respondent police.

For Petitioner : Mr.J.Samiullah

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.11.2019 for the offence punishable under Section 8(c) and R/W.20(b) (ii) (B) of NDPS Act in Crime No.372 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have found in possession of 1.200 Kilo grams of Ganja illegally. Hence the compliant.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. On instruction, he would submit that the petitioner in order to show his bonafide, is ready and willing to deposit a sum of Rs.10,000/-, to the Chief Minister Public Relief Fund. He further submitted that the petitioner is in judicial custody from 30.11.2019 and hence, he seeks for bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there totally three accused, in which the petitioner arrayed as A1. He further submitted that the petitioner found in possession of 1.200 Kilo grams of Ganja and there are no previous case is pending against the petitioner. Therefore he vehemently opposed for the grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and the fact that the possession of the contraband weighing 1200 grams and it is smaller quantity and also taking note of the fact that the petitioner is in judicial custody from 30.11.2019, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Chief Minister Public Relief Fund, Tamil Nadu, and on such deposit, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison;

(b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed automatically.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m from 01.06.2020 for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not abscond either during investigation or trial.

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

[g] 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].

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

11/05/2020

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

TRUE COPY

TO

1 XIV METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE PRINCIPAL SPECIAL JUDGE,
PRINCIPAL SPECIAL COURT, UNDER EC & NDPS ACT,
CHENNAI - 104.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
F4, THOUSANDLIGHT POLICE STATION, CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAI, CHENNAI.

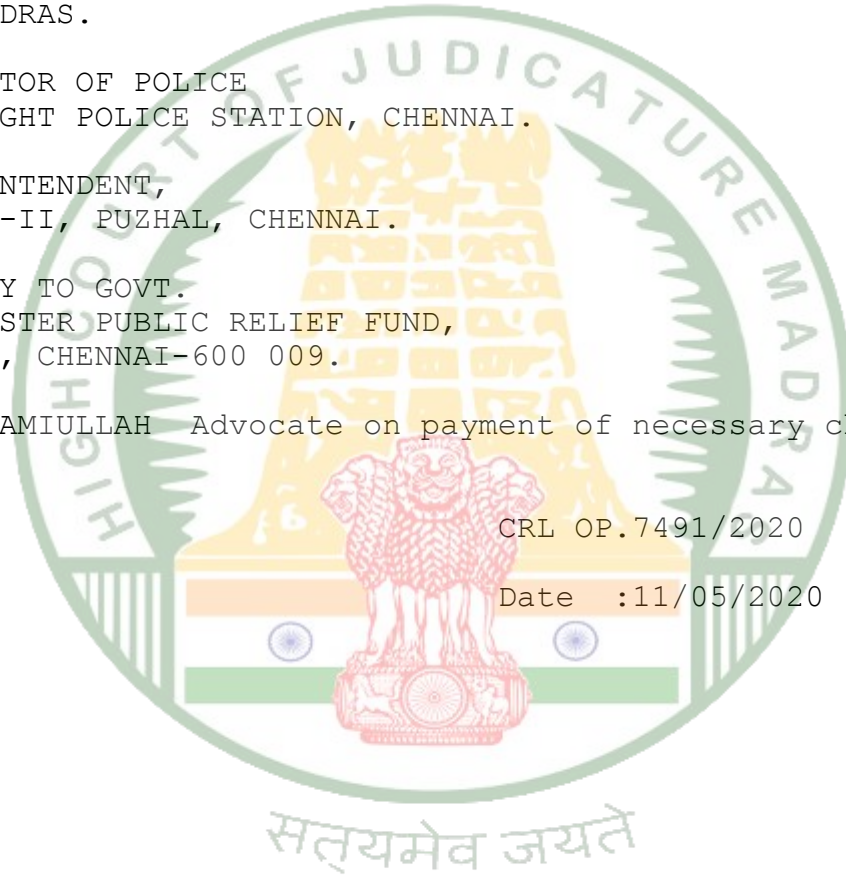
6 THE SECRETARY TO GOVT.
THE CHIEF MINISTER PUBLIC RELIEF FUND,
FORT ST.GEORGE, CHENNAI-600 009.

CC to J.SAMIULLAH Advocate on payment of necessary charges

CRL OP.7491/2020

Date :11/05/2020

RVR 07/08/2020



WEB COPY