

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.07.2020

CORAM :

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

CrI.O.P.No.10053 of 2020

Mohammed Yasin

... Petitioner

/versus/

State represented by
Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
(Crime No.1253/2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1253 of 2020 on the file of Respondent Police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 15.05.2020 for the offences punishable under Sections **8(c) r/w 20(b) (ii) (B) & 25 of NDPS Act**, in Crime No.1253 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the de-facto complainant is that accused 2 and 3 are found to be in unlawful possession of 2 kgs and 250 gms of ganja in a two wheeler and based on the information given by them, the first accused was found to be in possession of 3 kgs and 100gms of ganja in a water tanker.

3.The learned counsel for the Petitioner would submit that the petitioner is innocent and is falsely implicated in this case. He would further submit that the co-accused viz., A3 who is similarly placed to that of the petitioner was already granted bail by this Court in CrI.O.P.No.9721 of 2020 on 30.06.2020.

4.The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A2 and he is a retail seller. He would further submit that there is no previous case against

5. Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner was in jail from 15.05.2020 and also the fact that co-accused was released on bail, 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 executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) The petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-I, Tiruppur within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, 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 every day at 10.30 A.M. for a period of two weeks and thereafter every monday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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];

(i) 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/-
03/07/2020

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 JUDICIAL MAGISTRATE NO.I,
TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE JAILOR,
CENTRAL PRISON, COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR,

CC to M/S. J.FRANKLIN Advocate on payment of necessary charges

CRL OP.10053/2020

Date :03/07/2020

GKS (RVR) :01/09/2020

WEB COPY