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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.12395 of 2021

Muhamed Ashif

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
F3 Arambakkam Police Station,
Thiruvallur District.
Crime No.79 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.79 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.P.Siva Pradosh

For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

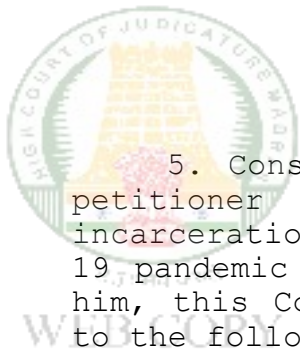
ORDER

The petitioner, who was arrested on 20.04.2021 and remanded to judicial custody for the offences under Section 8(c), 20(b)(ii)(c) and 29(1) Narcotic Drugs Psychotropic Substances Act 1985 in Cr.No.79 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 4 kgs of Ganja and the same was seized by the respondent Police. Therefore, he was arrested and remanded to judicial custody.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and further that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence prays for grant of bail.

4. The learned Government Advocate (CrI.Side) submitted that there is no previous case pending against the petitioner and the the investigation is pending.



5. Considering the facts that the recovered contraband from the petitioner is not a commercial quantity and the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and there is no previous case pending against him, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Prison, Puzhal, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Special Court under EC and NDPS Court, Chennai;.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;

(e) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

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

(h) 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]; and;



(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

20/07/2021

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 PRINCIPAL SPECIAL JUDGE,
UNDER EC AND NDPS COURT, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

3 THE INSPECTOR OF POLICE,
F3 ARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.P.SIVA PRADOSH Advocate on payment of necessary charges Sr.7572

CRL OP.12395/2021

Date :20/07/2021

RVR 22/07/2021