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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.944 of 2022

Shafi Moideen ... Petitioner

Vs.

State through
The Inspector of Police,
D-3, Ice house Police Station.
(In Crime No.598 of 2021) ... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.598 of 2021 on the file of the respondent police.

For Petitioner : Mr.B.M.Santharam

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 05.12.2021 for the offences under Sections 8(c), 20 (b) (ii) (B) of NDPS Act in Crime No.598 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the receipt of the information the respondent police were in regular duty, they found that the petitioner was in illegal possession of 2,200 Kgs of Ganja. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that the petitioner has been suffering incarceration from 05.12.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise objection stating that there were two previous cases against the petitioner and the investigation almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

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5. Considering the facts and circumstances of the case and also the fact that the investigation was almost completed, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) 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 deposit of Rs.20,000/- to the credit of New life Mentally III Rehabilitation, Dharmapuri without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate and on such payment, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned II Metropolitan Magistrate, Egmore within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automaticlly;

(c) 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 station on everyday at 5.30 p.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 has been imposed and the petitioner is 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;

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

-sd/-
12/01/2022

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 II METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
D-3, ICE HOUSE POLICE STATION.
MYLAPORE.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

6 THE NEW LIFE MENTALLY III REHABILITATION,
DHARMAPURI.

CC to B.M.SANTHARAM Advocate on payment of necessary charges

CRL OP.944/2022

Date :12/01/2022

INBA—19/01/2022

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