



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

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CORAM:

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

Cr1.O.P.No.2312 of 2022

Syed Mohamed Sulaiman

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
R8 Vadapalani Police Station,
Chennai.
(Crime No.843 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.843 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.P.Thinesh

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1 side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 17.12.2021 for the offences under **Section 8 (c) r/w 20 (b) (ii) (B) and 25 of NDPS Act**, in Crime No.843 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, based on the secret information, the respondent police found that the petitioner along with other accused was in illegal possession of 4.500 kgs of kanja. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner was suffering incarceration for 40 days from 17.12.2021. However, on instructions, he submits that the petitioner without prejudice to his rights, on his own volition, is ready to deposit a sum **Rs.5,000/-** for the charitable purpose as may be directed by this Court. Hence, he seeks to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would raise objection stating that the petitioner along with other accused illegally possesses 4.500 Kgs of kanja and he further submitted that the petitioner has no previous case and the investigation almost completed.

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5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the petitioner without prejudice to his rights, on his own volition, is ready to deposit a sum **Rs.5,000/-** for the charitable purpose, this Court is inclined to grant bail to the petitioner with 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 is directed to deposit a sum of **Rs.5,000/- (Rupees Five thousand only) to the Tamil Nadu Advocate Clerk Association, Chennai**, and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the **learned XVII Metropolitan Magistrate, Saidaipet, Chennai, Salem 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 automatically;

[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;

[d] **the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;**

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond 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]***; and;

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

-sd/-
01/02/2022

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 METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-8 VADAPALANI POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

6 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
HIGH COURT, CHENNAI.

CC to M/S.P.THINESH Advocate on payment of necessary charges

CRL OP.2312/2022

Date :01/02/2022

TA-02/02/2022