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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.11178 & 12952 of 2022

In Crl.O.P.No.11178 of 2022:-

A.Amir @ Sayath Hibrahim

..Petitioner

In Crl.O.P.No.12952 of 2022:-

Vijayakumar

...Petitioner

Vs.

In Both Crl.O.P.'s:-

State represented by
Inspector of Police,
Padalam Police Station,
Chengalpattu District.
Crime No.534 of 2021

..Respondent

COMMON PRAYER:-

Criminal Original Petitions are filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in the above said crime No.534 of 2021 pending investigation on the file of the respondent police.

In Crl.O.P.No.11178 of 2022:-

For Petitioner : Mr.N.A.Manimaran

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

In Crl.O.P.No.12952 of 2022:-

For Petitioner : Mr.K.A.Chandrajithu

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.08.2021 for the offence under Sections **8 (c) r/w 20 (b), (ii) (C) and Section 25 of NDPS Act, 1985** in Crime No.534 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on secret information, the defacto complainant and police parties intercepted the petitioners in illegal possession of 61.400 Kgs of Ganja in the locked house. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that only on confession these allegations are made as against the petitioners and they are innocent persons and they have been falsely implicated in the present case. On instructions, he would further submit that the petitioners are ready to deposit an amount of Rs.50,000/-each (Rupees Fifty Thousand only)each, by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram,** and prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that as far as the petitioners are concerned, they along with other accused persons were in possession of 61.400 Kgs of Ganja and each was in possession of 5 Kgs of Ganja. Hence, he vehemently opposed to grant bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case that other co-accused were considered by this Court in Crl.O.P.No.22244 of 2021 and in Crl.O.P.No.24949 of 2021 and they were released on bail, the period of incarceration undergone by the petitioners from the date of their arrest namely on 28.08.2021, they are in actual possession of each 5 Kgs of Ganja and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.50,000/-each (Rupees Fifty Thousand only) each, by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram,** this Court is inclined to grant bail to the petitioners on certain conditions.

6. Accordingly, the petitioners shall deposit a sum of Rs.50,000/-each (Rupees Fifty Thousand only) each, by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram** and on such deposit the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- each (Rupees ten thousand only) each, with two blood related sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.1, Chengalpattu** by the petitioner in



Crl.O.P.No.12952 of 2022 and to the satisfaction of the **learned Principal special Court for EC & NDPS Act Cases, Chennai** by the petitioner in **Crl.O.P.No.11178 of 2022**, and on further conditions that:-

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[a] 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.

[b] the petitioners shall stay at Kumbakonam and report before the Inspector of Police, Kumbakonam daily morning at 10.30 a.m and evening at 5.00 p.m. for a period of four weeks and thereafter petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks, thereafter as and when required.

[c] petitioners shall deposit a sum of Rs.50,000/- each (Rupees Fifty Thousand only) each, by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram**.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned 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]**.

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

-sd/-

17/06/2022

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 PRINCIPAL SPECIAL COURT FOR
EC & NDPS ACT CASES, CHENNAI.



2 THE JUDICIAL MAGISTRATE NO.1,
CHENGALPATTU.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
PADALAM POLICE STATION,
CHENGLPATTU DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

7 THE ARIGNAR ANNA MEMORIAL
CANCER HOSPITAL & RESEARCH INSTITUTE,
KANCHEEPURAM.

8 THE INSPECTOR OF POLICE,
KUMBAKONAM.

+ CC to M/S.NA.MANIMARAN Advocate on payment of necessary
charges SR.NO.9432

+ CC to M/S.R.SELVAKUMAR, Advocate on payment of necessary
charges SR.NO.9393

CRL OP.11178 & 12952/2022

Date :17/06/2022

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