



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11551 of 2022

SHAFIBASHA @ SABARI

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
V1 VILLIVAKKAM POLICE STATION,  
CHENNAI  
(CRIME NO.168/2022)

[ RESPONDENT ]

For Petitioner : M/S S.SENTHILVEL Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 12.04.2022 for the offence under Section 8(c), 20(b)(ii)(B) of NDPS Act in Crime No.168/2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on a confidential message, the petitioner was intercepted and he was found to be in possession of 1kilo and 200 grams of ganja.

3.The learned Government Advocate (criminal side) for the respondent has submitted that the investigation is almost completed and the lab reports are awaited. It was however submitted that there are totally 11 previous cases against the petitioner and one case pertains to the offence under the NDPS Act.

4.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence.



5. Taking into consideration of the facts and circumstances of the case and also of the fact that the quantity involved in this case is in between quantity and the petitioner has already suffered incarceration for 38 days and the investigation is almost completed, this Court is inclined to enlarge the petitioner on bail subject to imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned XIII Metropolitan Magistrate, Egmore, and on further conditions that:-

[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 petitioner shall report before the learned XIII Metropolitan Magistrate, Egmore on every Monday at 10.30 a.m. and before the respondent police on every Friday at 06.30 a.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[e] 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 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].

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

-sd/-

19/05/2022

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.XIII, EGMORE

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

3 THE INSPECTOR OF POLICE,  
V1 VILLIVAKKAM POLICE STATION,  
CHENNAI

4 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHALL-II, CHENNAI.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S S.SENTHILVEL Advocate on payment of necessary  
charges SR.NO.7506

CRL OP.11551/2022

Date :19/05/2022

JPA 19/05/2022