



Crl.O.P.No.23795 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.23795 of 2022

Mohamed Ilyas Khan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-12 Seliyur Police Station,
Tambaram City.

(Crime No.443 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.443 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.K.Madhan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side).



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.08.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) & 22(b) of NDPS Act, in Crime No.443 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused were found in illegal possession of 100 milli litre of Ganja oil and 5 grams of Methamphetamine. Hence the Complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that even as per the case of prosecution, the contraband was recovered from A1 and only based on the confession statement recorded from him, the petitioner has been arrested. He would also submit that no confession statement has been recorded from the petitioner. He would also state that there is no previous case as against the petitioner



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and he is in custody from 08.08.2022 and hence, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused were found in illegal possession of 100 milli litre of Ganja oil and 5 grams of Methamphetamine. He would also submit that there is no previous case against the petitioner, however, he vehemently oppose for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. Taking into consideration the facts and the submissions made by the learned counsel for the petitioner and also taking note of the fact that



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there is no recovery from the petitioner and he has been arrested only based on the confession statement recorded from the first accused, from whom the contraband has been recovered and also considering that there is no previous case against the petitioner, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Tambaram**, 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 respondent police everyday at 10.30 a.m and 5.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner shall not tamper with evidence or witness 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 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]**;

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

17.10.2022

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To

1. The Judicial Magistrate Court,
Tambaram.
2. The Inspector of Police,
T-12 Seliyur Police Station,
Tambaram City.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA., J.

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