



WEB COPY



CrI.OP.No.24640 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

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

CrI.OP.No.24640 of 2022

S.Sheik Mohammed

..Petitioner

Vs.

The State

represented by The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.155 of 2022 on the file of
the respondent Police.

For Petitioner : Mr.N.Nishar Ahamed

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
10.03.2022 at the hands of the respondent police for the offences punishable
under Sections 8(c) r/w 20(b)(ii)B, 22(a) of NDPS Act, 1985, @ 8(c) r/w
20(b)(ii)B, 22(a), 22(c) of NDPS Act, 1985, in Crime No.155 of 2022, seeks
bail.



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2. The case of the prosecution is that the petitioner was found in possession of 390 grams of Methamphetamine illegally. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and this is the second bail petition filed by the petitioner. Earlier petition filed by the petitioner was dismissed on 02.08.2022 in Crl.O.P.No.18069 of 2022. He further submitted that the petitioner is ready and willing to abide by any stringent condition that may be imposed on him. He also submitted that only based on the confession statement of the co-accused, the petitioner has been implicated as an accused and the petitioner was taken to illegal custody for 5 days. He would further submit that A4 was already granted bail by this Court in Crl.O.P.No.24061 of 2022 by an order dated 10.10.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are totally 10 accused in which the petitioner is arrayed as A9. The petitioner was found in separate possession of 390 grams of Methamphetamine illegally. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case and also considering the period of incarceration by the petitioner from the date of his arrest viz., 10.03.2022 and also considering the fact that the co-accused was granted bail by this Court in Crl.O.P.No.24061 of 2022 by an order dated 10.10.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of **Rs.50,000/-** (Rupees Fifty Thousand only) as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431** and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **two blood related sureties**, each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, GT Court 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.



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[b] the petitioner shall deposit a sum of **Rs.50,000/-** (Rupees Fifty Thousand only) as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431.**

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m., and 05.00 p.m, until further orders.

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

[e] the petitioner 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 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]**.

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

12.10.2022

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G.K.ILANTHIRAIYAN, J.

mn

To

- 1.The XV Metropolitan Magistrate, GT Court.
- 2.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
3. The Puzhal Prison,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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12.10.2022