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Crl.O.P.No.25436 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

Crl.O.P.No.25436 of 2022

Kadhar Mohideen

... Petitioner

Vs.

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

(Crime No.155 of 2022).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner on bail in connection with the Crime No.155  
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Bharath Gowtham

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 08.03.2022 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(b) r/w 22(a) and 22(c) of NDPS Act, 1985, in Crime No.155 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 08.03.2022, on receiving the secret information about illegal sale of Ganja, the Sub Inspector of Police along with his team conducted search, in which they found the petitioner along with the other accused were found in possession of 80 grams of Ganja and 80 Grams of Methamphetamine and the respondent police seized the contraband and arrested the petitioner along with the other accused. 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 the alleged seizure of Methamphetamine weighing 80 grams is totally false and no such seizure was made. Hence, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally three accused in this case in which, the petitioner is arrayed as A2. The petitioner along with the other accused were involved in the Narcotics business and the petitioner was found in illegal possession of 80 grams of Ganja and 80 grams of Methamphetamine. Hence, he vehemently opposed to grant bail to the petitioner.

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., 08.03.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall donate a sum of **Rs.50,000/-** (Rupees Fifty Thousand only) to the credit of the **METTUR PAVENTHAR BHARATHIDASAN NARPANI MANDRAM**; A/c No : 6527280724; IFSC code : IDIB000M034; Bharathi Nagar, Mettur Dam-1, Salem District; for the purpose of constructing library and on such donation, the petitioner is ordered to be released on bail in the event of arrest or on his appearance,



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within a period of fifteen days from the date on which the order copy made ready, before the XV Metropolitan Magistrate, George Town, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two **blood sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 donate a sum of **Rs.50,000/-** (Rupees Fifty Thousand only) to the credit of the **METTUR PAVENTHAR BHARATHIDASAN NARPANI MANDRAM**; A/c No : 6527280724; IFSC code : IDIB000M034; Bharathi Nagar, Mettur Dam-1, Salem District.

[c] The petitioner shall report before the XV Metropolitan Magistrate, GT Court, at 10.30 a.m., on all working days and report before the respondent police on every Saturday and Sunday at 5.30 p.m., until further orders.

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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

**19.10.2022**

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- 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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**G.K.ILANTHIRAIYAN.J.,**

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