



CrI.OP.No.26124 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

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

CrI.OP.No.26124 of 2022

Dhaha @ Mohamad Thaha

..Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Ulunthurpet Police Station,
Villupuram District
Crime No. 495 of 2022

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime
No.495/2022 on the file of respondent police.

For Petitioner : Mr.K.Vijayakumar

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



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CrI.OP.No.26124 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.10.2022 for the offences punishable under Sections 294(b), 353, 506(2) of IPC read with Section 20(b)(ii)(B), 8(c) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.495 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with six other accused persons were found in possession of 1.5 Kgs of Ganja. Hence, the case.

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 and the petitioner has nothing to do with the other accused. Even as per the prosecution, the contraband is stated to have been recovered from A1 and there is no recovery from the petitioner. Hence, he prays to grant bail to the petitioner.



CrI.OP.No.26124 of 2022

4. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that petitioner along with six other accused persons were found in possession of 1.5 Kgs of Ganja. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsels and also perused the materials available on record.

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from the date of his arrest, this Court is inclined to grant bail to the petitioner.

7. 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, out of which one should be a blood related surety**, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Ulundurpet and on further conditions that :-



CrI.OP.No.26124 of 2022

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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 petitioner shall report before the respondent police everyday at 05.30.p.m., until further orders.

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

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

09.11.2022

Anu



CrI.OP.No.26124 of 2022

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To

1.The Judicial Magistrate No.I,
Ulundurpet.

2.The Inspector of Police,
Ulunthurpet Police Station,
Villupuram District

3. The Central Prison,
Cuddalore.

4.The Public Prosecutor,
High Court of Madras



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Crl.OP.No.26124 of 2022

A.D.JAGADISH CHANDIRA, J.

Anu

Crl.O.P.No.26124 of 2022

09.11.2022

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