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Crl.O.P.No.3949 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 21.02.2023**

**CORAM:**

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

**Crl.O.P.No.3949 of 2023**

Mohamed Zyath

... Petitioner

Vs.

The State Rep.by,  
Inspector of Police,  
B-2, Esplanade police station,  
Chennai.  
(Crime No.7 of 2023)

... Respondent

**PRAYER:** Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.7 of 2023 on file of the respondent police.

For Petitioner : Mr.A.P.Kannan

For Respondent : Mr.S.Vinoth Kumar  
Government Advocate (Crl. Side)

**ORDER**

The petitioner who was arrested and remanded to judicial custody on 19.01.2023 for the offences punishable under Sections 8(c) read with 22(b)



& 25 of NDPS Act in Cr.No.7 of 2023 on file of the respondent police, seeks bail.

2. The case of the prosecution is that on date on receiving a secret information, the respondent Police along with his team went to the scene of occurrence and they found that the petitioner along with other accused were in possession of 3 Grams of banned Methamphetamine drug. The contraband was seized by the respondent police. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the contraband involved in this case is in-between quantity. He would also submit that without prejudice, the petitioner is prepared to deposit an amount of Rs.10,000/- as non- refundable deposit to any welfare scheme of the Government and he is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the

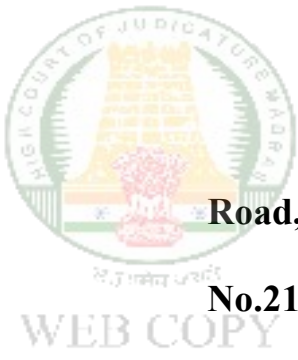


petitioner was found in illegal possession of 3 Grams of banned Methamphetamine drug. He would submit that the investigation has been completed and there is no previous case pending against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from 19.01.2023 and also the fact that the contraband involved in this case is in between quantity and the petitioner also willfully and on his own volition agreed to contribute some amount for charitable purpose, this court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as non-refundable deposit to the credit of Sevalaya, No.F-2, Pushkarani Apartments, 12 Ananda**



**Road, Alwarpet, Chennai - 600 018. Account Name: SEVALA, A/c No.218601000134, ICICI Bank, Mylapore Branch, Chennai-600004, IFSC Code: ICIC0002186** and on such deposit, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, for a like sum to the satisfaction of the *learned VII Metropolitan Magistrate, George Town*, 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., for a period of two months;**

(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 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



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by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

21.02.2023

gbi

**To**

- 1.The VII Metropolitan Magistrate, George Town.
2. The Inspector of Police,  
B-2, Esplanade police station,  
Chennai.
- 3.The Central Prison-II,  
Puzhal.
- 4.The Public Prosecutor,  
High Court, Madras.



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**T.V.THAMILSELVI,J.**

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