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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

Crl.O.P.No.7454 of 2023

Mohammed Abdulla ... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D2 Anna Salai Police Station,
Chennai

(Crime No.54 of 2023). ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner/accused on bail, in connection with the Crime No.54 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.Hussaini Basha

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

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O R D E R

The petitioner, who was arrested and remanded to Judicial custody on 04.03.2023, for the offence punishable under Sections 8(c) read with 20(b)(ii)(B), 25 and 29(1) of NDPS Act in connection with Crime No.54 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with four other accused was found in possession of 9.165 Kgs of Ganja. Hence the complaint.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Further he would submit that the quantity of contraband is only an intermediate quantity and the petitioner has no previous case under NDPS Act. Further he would submit that the co-accused has been released on bail by the Special court under NDPS Act, Chennai in Crl.M.P.No.1917 of 2023 vide order dated 10.04.2023 and that the petitioner has been in judicial custody from

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04.03.2023 onwards. He would submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that based on a secret information, the respondent police intercepted the petitioner and other accused and they were found in possession of 9.165 grams of Kanja and that the petitioner has got one previous case for the offence under Section 379 IPC. Hence, he opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also of the fact that the co-accused has been granted bail by the Court below, this Court is inclined to grant bail to the petitioner with certain condition.

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7. Accordingly, 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 sureties**, each for a like sum to the satisfaction of the **learned II Metropolitan Magistrate, Egmore, Chennai,** 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 weeks and thereafter, on every Saturday at 10.30 a.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

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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.

13.04.2023

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To
1.The learned II Metropolitan Magistrate, Egmore, Chennai

2.The Inspector of Police,
D2 Anna Salai Police Station,
Chennai.

3. The Superintendent,
Central Prison,
Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

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