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Crl.O.P.No.8448 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

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

Crl.O.P.No.8448 of 2023

Basheer Ahamed

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
B-1, North Beach Police Station,
Chennai.

(Crime No.82 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.82 of 2023 on the file of
the respondent police pending investigation.

For Petitioner : M/s.R.Saritha

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



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused were found in possession of 25 Grams of Methamphetamine and from the petitioner 7 Grams of Methamphetamine was seized and he would object for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.10,000/- to any welfare scheme run by the Government. He further stated that the petitioner is also ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

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

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of



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Rs.10,000/- (Rupees Ten Thousand Only) to the credit of "Superior, Missionaries of Charity Brothers, Karunai Illam, 74-B, L.D.G. Road, Little Mount, Saidapet, Chennai 600 015", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.10,000/- to the credit of "Superior, Missionaries of Charity Brothers, Karunai Illam, 74-B, L.D.G. Road, Little Mount, Saidapet, Chennai 600 015", this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.10,000/- (Rupees Ten



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Thousand only) by way of **RTGS/NEFT to the credit of "Superior, Missionaries of Charity Brothers, Karunai Illam, 74-B, L.D.G. Road, Little Mount, Saidapet, Chennai 600 015"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate – VII, 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 appear before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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



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A.D.JAGADISH CHANDIRA.,J.

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

19.04.2023

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To

1. The Judicial Magistrate – VII, George Town.
2. The Inspector of Police,
B-1, North Beach Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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