



WEB COPY

Crl.O.P.No.8894 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

Crl.O.P.No.8894 of 2023

Syed Yasin

... Petitioner

Vs.

The State rep by
The Inspector of Police
H-3, Tondiarpet Police Station
Chennai.
(Crime No.51 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.51 of 2023 on the file of
the respondent.

For Petitioner : Mr.S.V.D.Rajendra Prasad

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.03.2023, for the offences punishable under Sections 8(c), 22(c), 25,
29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section
77 of the Juvenile Justice (Care & Protection of Children) Act, 2015, in Crime
No.51 of 2023, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on receipt of secret information, the respondent and his team went to the scene of occurrence wherein, they found the petitioner along with two other accused in illegal possession of 900 nos. of Nitrazepam Tablets each weighing about 531 mgs. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. Even as per the prosecution, the alleged contraband is stated to have been recovered from one Manojkumar and the quantity recovered from his an intermediate quantity and that the said Manojkumar has been granted bail by this Court in Crl.O.P.No.8452 of 2022 dated 25.04.2023. He further submitted that the petitioner is a student studying 1st year M.Com in New College, Chennai and he has been suffering incarceration from 02.03.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that the petitioner petitioner along with two other accused was found in illegal possession of 900 nos. of Nitrazepam Tablets each weighing about 531 mgs.



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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner and also of the fact that the similarly placed co-accused in this case has been granted bail by this Court, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** by way of RTGS/NEFT to the credit of "M/s.The Tamil Nadu Juvenile Justice Fund, Account Number: 358001000000651, IFSC Code : IOBA0001288, MICR:600020073, Indian Overseas Bank, SME Kilpauk Branch, 20, Ormes Road, Kilplauk, Chennai-600 010", without prejudice to his rights and contentions before the trial Court, on such deposit, 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 The Principal Special Judge for EC/NDPS Act Cases, 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 06.30 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Principal Special Judge for EC/NDPS Act Cases,
Chennai.
2. The Inspector of Police,
H-3, Tondiarpet Police Station
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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