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Crl.O.P.No.11301 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.11301 of 2023

Mohammed Iliyashkan

... Petitioner/A1

Vs.

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.,
pleaded to enlarge the petitioner on bail, in Crime No.82 of 2023, on the file
of the Inspector of Police, B-1, North Beach Police Station, Chennai District.

For Petitioner : Mr.C.Jagan

For Respondent : Mr.N.Muthuvel
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 18.03.2023, in connection with Crime No.82 of 2023 registered for the
offence punishable under Sections 8 (c) r/w 22(b), 25 and 29(1) of Narcotic
Drugs & Psychotropic Substances Act, 1985, seeks bail.



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2. The case of the prosecution is that on receipt of the secret information about illegal transport of Narcotic Substance, the respondent and his team conducted a check up, during which, they found that the petitioner was in illegal possession of 25 grams of Methamphetamine. Hence, the case.

3. Learned counsel for the petitioner has submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submitted that even as per the prosecution, the contraband alleged to have been recovered from the petitioner is an intermediate quantity. He would further submit that the petitioner is in judicial custody for the past 60 days. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused were found in possession of 25 grams of Methamphetamine and as per the FIR, 6 grams of Methampehtamine was seized from the petitioner. Hence, he strongly opposed for grant of bail to the petitioner.



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5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and also taking note of the fact that the petitioner without prejudice to his right, he is ready to deposit a sum of Rs.5,000/- towards any Charitable Organization or Association, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit to the credit of Idhayangal Charitable Trust, A/c.No.6517087788, IFSC Code: IDIB000K169, Indian Bank, KMCH Goldwins Branch, Avinashi Road, Coimbatore 641014** and on such deposit, 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**, each for a like sum to the satisfaction of the **learned VII Metropolitan Magistrate, G.T.Court, Chennai**, and on further conditions that:

7. Accordingly, the petitioner is ordered to be released on bail on



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his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned VII Metropolitan Magistrate, G.T. Court, 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 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.

18.05.2023

gv/Uma

To

1. The VII Metropolitan Magistrate, G.T.Court, Chennai ,
2. The Inspector of Police,
B-1, North Beach Police Station,
Chennai
3. The Superintendent of Prison,
Puzhal-2 Jail,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

gv/uma

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