



Crl.O.P.No.11864 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.06.2023

CORAM

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

Crl.O.P.No.11864 of 2023

Arafath Ali
S/o Abbas Alli

... Petitioner

/versus/

The State represented by
The Inspector of Police,
E-2, Royapettah Police Station,
Chennai.

(Crime No.60 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Criminal Procedure Code, pleased to enlarge the petitioner on bail pending investigation in Crime No.60 of 2023 on the file of the respondent police.

For Petitioner : Mr.V.Tamilselvan

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



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CrI.O.P.No.11864 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.04.2023 for the offence punishable under Sections 8(c) r/w 22(b), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.60 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 11.04.2023, while the respondent Police and his team were on their routine patrol duty, they found that the accused were in illegal possession of 15 grams of Methamphetamine (Ice Crystal). Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner (A3) is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the prosecution, the contraband alleged to have been recovered from the petitioner is an intermediate quantity. He further submitted that the co-



CrI.O.P.No.11864 of 2023

accused in this case namely A1 has already been granted bail by the trial Court in CrI.M.P.No.3373 of 2023 and A2 has been granted bail by this Court in CrI.O.P.No.11249 of 2023 dated 01.06.2023. He also submitted that the petitioner is in custody from 12.04.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (CrI.Side) appearing for the respondent Police submitted that the petitioner (A3) along with two other accused was found in illegal possession of 15 grams of Methamphetamine (Ice Crystal), which is an intermediate quantity and he also submitted that it is wrongly mentioned as commercial quantity in the counter filed by the respondent. He further submitted that no previous case is pending against the petitioner, however, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent Police and perused the materials available on record.



CrI.O.P.No.11864 of 2023

6. Taking into consideration the facts and circumstances of the case and submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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** (out of which, one surety should be either father or mother of the petitioner), each for a like sum to the satisfaction of the **learned XVIII Metropolitan Magistrate, Saidapet** 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., until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;



WEB COPY



CrI.O.P.No.11864 of 2023

[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.

02.06.2023

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To

1. The XVIII Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
E2-Royapettah Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.11864 of 2023

A.D.JAGADISH CHANDIRA,J.

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Crl.O.P.No.11864 of 2023

02.06.2023