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CrI.O.P.No.12368 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

CrI.O.P.No.12368 of 2023

Ramzan Ali

... Petitioner

Vs.

The State represented by
The Inspector of Police
NIB-CID, Salem
Crime No.16 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner pending investigation in Crime No.16
of 2023, on the file of the respondent herein.

For Petitioner : Mr.T.Balaji

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 18.04.2023, for the offences punishable under Section 8(c), r/w 20(b) (ii)
(B) of NDPS Act, in Crime No.16 of 2023 on the file of the respondent
police, seeks bail.



2. The case of the prosecution is that the petitioner was found in illegal possession of 6 kgs of Ganja. 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. He further submitted that the petitioner has been suffering incarceration from 18.04.2023 and he is a resident of Assam. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.25,000/- to any Welfare Scheme of the Government and his father or mother is ready and willing to stand as surety for him and he prays 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 was found in illegal possession of 6 kgs. of Ganja and that he is a resident of Assam. He would further submit that the investigation has been completed and final report has also been filed in Spl.S.C.No.116 of 2023 on the file of the Special Court for NDPS Court, Salem.



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, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is **directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) directly to the Dean/Medical Officer, Government Mohankumaramangalam Medical College and Hospital, Salem, as non refundable deposit** and on such deposit and on receipt of proof of payment, 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 shall be the father or mother of the petitioner, each** for a like sum to the satisfaction of the **Judicial Magistrate No.II, Salem** and on further conditions that:



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[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 learned Judicial Magistrate No.II, Salem, on all working days at 10.30 a.m. for a period of two weeks and thereafter, on the dates fixed by the learned Magistrate till committal. Thereafter, the petitioner shall appear before the respondent police every Saturday at 7.30 p.m., until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

06.06.2023

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To

1. The Judicial Magistrate No.II,
Salem.
2. The Inspector of Police
NIB-CID, Salem
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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