



Crl.O.P.No.12669 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

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

Crl.O.P.No.12669 of 2023

Syed Azees

... Petitioner

Vs.

State rep by
The Inspector of Police,
Selvapuram Police Station,
(Crime No.111 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.111 of 2023 on the file
of the respondent police.

For Petitioner : Mr.P.Praveen Kumar

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



ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 07.05.2023, for the offences punishable under Sections 8(c) read with 20(b)(ii)(A) of NDPS Act, 1985 and Section 328 of IPC, in Crime No.111 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 07.05.2023, the petitioner along with other accused persons was found in possession of 200 grams of Ganja, 0.06 grams of LSD stamps and 0.79 grams of Methamphetamine. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Even as per the prosecution, the contraband alleged to have been recovered from the accused persons, is of lesser quantity. He further submitted that the co-accused/A2 has been granted bail by this Court in Crl.O.P.No.12377 of 2023 by order dated 06.06.2023 and the petitioner has been languishing in jail for more than one month from 07.05.2023. On instructions, he would further submit that without prejudice to his defence, the petitioner is ready and willing to deposit a substantial amount to any



welfare scheme run by the Government as may be directed by this Court.

Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner along with other accused persons was found in possession of 200 grams of ganja, 0.06 grams of LSD stamps and 0.79 grams of Methamphetamine. However, he would submit that there is no previous case pending against the petitioner.

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

6. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** to the credit of "**M/s. The Tamil Nadu Juvenile Justice Fund, Kilpauk, Chennai** " without prejudice to her rights and contentions before the trial Court.



7. Merely, because the petitioner has deposits 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.

8. Considering the above facts and circumstances of the case, 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 there is no previous case against the petitioner and the co-accused has been granted bail by this Court, this Court is inclined to grant of bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand Only)** directly to the credit of "**M/s. The Tamil Nadu Juvenile Justice Fund, A/C No.358001000000671, IFSC: IOBA0001288, MICR: 600020073, Indian Overseas Bank, SME Kilpauk Branch, Address: No.20, Ormes Road, Kilpauk, Chennai-10**", 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**



out of which, one surety shall be a blood relative of the petitioner, each for a like sum to the satisfaction of the Special Court for Essential Commodities Act Cases, Coimbatore, 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;

[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 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]*;



WEB COPY



Crl.O.P.No.12669 of 2023

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

ksa-2

13.06.2023



Crl.O.P.No.12669 of 2023

To

1. The Special Court for Essential Commodities Act Cases,
Coimbatore,
2. The Inspector of Police,
Selvapuram Police Station,
Coimbatore City.
3. The Superintendent,
Central Prison, Coimbatore
4. The Public Prosecutor,
High Court of Madras.

WEB COPY



WEB COPY



Crl.O.P.No.12669 of 2023

A.D.JAGADISH CHANDIRA,J.,

ksa-2

Crl.O.P.No.12669 of 2023

13.06.2023