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Crl.O.P.No.13012 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.13012 of 2023

1. Shafee Ulla Khan
2. Sahil

... Petitioners

Vs.

The State rep by
The Inspector of Police
NIB-CID Police Station
Salem District
(Crime No.14 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.14 of 2023 on the file
of the respondent police.

For Petitioners : Mr.C.Deepak Kumar

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



the petitioners were found illegally transporting 5.400 Kgs. of Ganja by train.

He further submitted that the petitioners are native of Karnataka.

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

6. 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 petitioners, this Court is inclined to grant of bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to make a non refundable **deposit of Rs.25,000/- (Rupees Twenty Five Thousand Only) each**, by way of **RTGS/NEFT to the credit of "Head Master, Government Higher Secondary School, Metturdam"** without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing a separate 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**



petitioners, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Salem**, 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 petitioners shall report before the respondent police everyday at 10.30 a.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]*;



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

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To

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



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A.D.JAGADISH CHANDIRA,J.,

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