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Crl.O.P.No.14251 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2023

CORAM:

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

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1. S.K.Badsha
2. S.K.Jasimuddhin
3. Sekh Ibrahim

... Petitioners

/versus/

State rep by
The Inspector of Police,
Tambaram-PEW,
Tambaram City.
(Crime No.199 of 2023)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail pending investigation in Crime No.199 of 2023 on the file of the respondent.

For petitioner : M/s.R.Keerthika
For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.05.2023, in connection with Crime No.199 of 2023



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registered for the offences under Sections 8(c) r/w, 20(b)(ii)(B), 29(1) of NDPS Act on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that when the respondent were on regular patrol, they found that the petitioners were found to be in possession of 1.200 kgs of ganja. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are under the custody from 28.05.2023. Thereby, he would seek bail to the petitioners.

4. . Learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the petitioners were found to be in possession of 1.200 kgs of ganja. He also submitted that there is no previous case against him. Hence, he opposed for grant of bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defence and contention, are ready and willing to deposit an amount of Rs.10,000/- each to any welfare scheme run by the Government. He further stated that the petitioners are also ready to abide by any other stringent



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conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

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6. Heard the learned Counsel for the petitioners and the learned Government Advocate (crl.side) and perused the materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.10,000/- each to the credit of "The Dean/Medical Officer, Rajiv Gandhi Government General Hospital, Chennai" without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the 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 taking note of the fact that the petitioners have come forward to deposit an amount of



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Rs.10,000/- each to the credit of "The Dean/Medical Officer, Rajiv Gandhi Government General Hospital, Chennai", this Court is inclined to grant bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail on condition to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** each directly to the credit of "**The Dean/Medical Officer, Rajiv Gandhi Government General Hospital, Chennai**", 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 separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, Out of which, one should be a blood related surety, for a like sum to the satisfaction of the **learned Judicial Magistrate, Sriperumpudur** 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;



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[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]***;

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

26.06.2023

Vv



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To

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1. The **Judicial Magistrate,**
Sriperumpudur.
2. The The Inspector of Police,
Tambaram-PEW,
Tambaram City.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

Vv

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