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Crl.O.P.No.18822 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.18822 of 2023

S.M.Mohamed Gani

...Petitioner

Vs.

State rep.by,
The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai - 600 108.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to grant bail to the petitioner/accused in Crime No.92 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.C.Sivakumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.06.2023 for the offences punishable under Sections 8(c), 22(b), 25 of NDPS Act, 1985 in Crime No.92 of 2023 on the file of the respondent, seeks bail.

2. It is the submission of the learned counsel for the petitioner



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that, the petitioner is falsely implicated as an accused in this case in Crime No.92 of 2023 registered for the offence under Sections 8(c), 22(b), 25 of NDPS Act, 1985. Petitioner was arrested by the respondent police on 10.06.2023, for the possession of 20 grams of cocaine. Thus, he seeks bail.

3. In response, learned Additional Public Prosecutor submitted that, on a secret information, respondent police mounted surveillance near Merchant Street Ibrahim Road Junction. After following necessary procedure, a search was conducted and 20 grams of cocaine has been seized from the petitioner. Petitioner has no previous cases pending against him. The seized contraband of 20 grams of cocaine is an intermediate quantity. Thus, he prays for dismissal of this petition.

4. Considered the rival submissions and perused the records of the case.

5. Considering the fact that, contraband had been seized from



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the petitioner and that, petitioner is in judicial custody from 10.06.2023 and the fact that, petitioner has no previous case pending against him, and that the material part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned XVI Metropolitan Magistrate Court, George Town, Chennai – 600 001**, 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 daily 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



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

21.08.2023

gd/vca
To

- 1.The XVI Metropolitan Magistrate Court,
George Town,
Chennai – 600 001
- 2.The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai - 600 108.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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V.SIVAGNANAM, J.
gd/vca

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