



Crl.OP.No.27166 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.27166 of 2023

Thajil Islam Maison

..Petitioner

Vs.

The State represented by
The Inspector of Police,
J9 Thuraipakkam Police Station,
Chennai.

Crime No.791 of 2021

..Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in C.C.No.166 of 2022 (on the file of
Special Judge, II Additional Special Court for Exclusive Trial of cases under
NDPS Act, Chennai) in Crime No.791 of 2021.

For Petitioner : Mr.K.A.M.Jagadish Kumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
08.08.2022 for the alleged offences punishable under Sections 8(c) r/w
20(b)(ii)(C) of the NDPS Act in Crime No.791 of 2021, seeks bail.



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2. The case of the prosecution is that there are totally three accused in which the petitioner is arrayed as A2. The petitioner was found in possession of 4.300 kgs of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2. The petitioner has been falsely implicated in this case and he is no way connected with the alleged occurrence. He also submitted that A1 was granted bail by this Court on 08.11.2023 in Crl.O.P.No.18795 of 2023. Hence, he seeks grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) for the respondent would submit that this is the seventh bail petition and earlier this Court, while dismissing the bail applications, has held that the petitioner, along with other accused person, were found to be in possession of 4.300 kgs of Ganja, which is a commercial quantity. Further, this Court has also held that the petitioner has failed to satisfy the twin conditions under Section 37 of the NDPS Act. Hence, he vehemently opposed for grant of bail to the petitioner.



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5. It is seen that A1 was already granted bail by this Court on 08.11.2023 in Crl.O.P.No.18795 of 2023.

6. Considering the above facts and circumstances of the case that the first accused was granted bail by this Court and also considering the period of incarceration by the petitioner from the date of his arrest viz., 08.08.2022, on the ground of parity, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit a sum of **Rs.50,000/-** (Rupees Fifty Thousand only) as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431** and on such deposit, 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 blood related sureties**, each for a like sum to the satisfaction of the II Additional Special Court for EC and NDPS Act cases, Chennai 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



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Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of **Rs.50,000/-** (Rupees Fifty Thousand only) as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431.**

[c] the petitioner shall report before the II Additional Special Court for EC and NDPS Act cases, Chennai, daily at 10.30 a.m., and 05.00 p.m, until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

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

29.11.2023

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To

- 1.The II Additional Special Court for EC and NDPS Act cases, Chennai.
- 2.The Inspector of Police,
J9 Thuraipakkam Police Station,
Chennai.
3. The Central Prison -II,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

G.K.ILANTHIRAIYAN, J.

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