



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2023

PRESENT

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

CRL.O.P(MD)No.1974 of 2023

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Mohamed Sherik @ Mohamed Shariq ...Petitioner/Accused No.4

-vs-

State represented by
The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
(in Cr.No.296 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No. 296 of 2022.

For Petitioner : Mr.N.Mohideen Basha, Advocate
For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.296 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant the Sub Inspector of Police is that on 26.12.2022, he has received a secret information that the accused 1 to 3 were selling ganja and after following the procedures they arrested the accused 1 to 3 and the accused 1 to 3 were found to be in possession of 1.250 kg of ganja and they have confessed that they have purchased ganja from the petitioner. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner is a Diploma holder in Civil Engineer and he is working in Metro Rail Project in Chennai and the petitioner has been falsely implicated in this case and the petitioner has no previous case against to his credit. He prays for anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that A1 to A3 were in possession of 1.250 kg of ganja and they have confessed that they have received contraband from the petitioner. He would pray for dismissal of this application.

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5.Taking into consideration the facts and circumstances of the case and considering the age of the petitioner and no previous case is pending against him, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Additional District Judge (Special Court For EC & NDPS Act Cases), Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties out of which either the father or mother of the petitioner will stand as surety each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

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

[d] the petitioner shall not abscond 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.

sd/-

01/02/2023

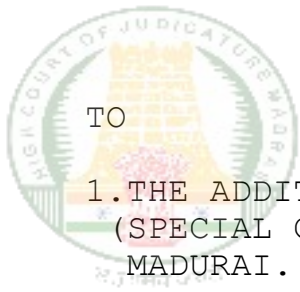
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cm

<https://www.mhc.tn.gov.in/judis>



TO

1. THE ADDITIONAL DISTRICT JUDGE
(SPECIAL COURT FOR EC & NDPS ACT CASES),
MADURAI.

2 THE INSPECTOR OF POLICE,
VADASERI POLICE STATION,
KANYAKUMARI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-1552[I] dated
01/02/2023)

ORDER

IN

CRL OP (MD) No.1974 of 2023

Date :01/02/2023

RK/VR/SAR-1 (14/02/2023) 3P/5C