



Crl.O.P.No.4961 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.4961 of 2024

Syaed Ibrahim @ Arfath

...Petitioner/A2

Vs.

State represented by
The Inspector of Police,
Masinagudi Police Station,
Nilgiris.
(Crime No.149 of 2023)

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.149 of 2023 on the
file of the respondent police.

For Petitioner : Mr.Thanga Vadhana Balakrishnan

For Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (Crl. Side)



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ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 23.09.2023 for the offence punishable under Sections 8(c) r/w 22 (c), 25 and 29(1) of NDPS Act, 1985 in Crime No.149 of 2023 on the file of the respondent police, seeks bail.

2.It is contended by the learned counsel for the petitioner that the contraband namely 23.900 grams of MDMA drug which is commercial quantity had been seized only from A1. It is also pointed out that the petitioner / A2 had been in judicial custody for nearly 200 days.

3.Earlier petition seeking bail was dismissed on 29.01.2024 in CrI.O.P.No.28998 of 2023. A counter affidavit has been filed by the respondent wherein, it had been stated that from this petitioner, there has been no recovery of contraband. The quantity seized is not commercial quantity. It is also seen that charge sheet has also been filed.

4.Taking all these factors into consideration and the fact that there has been no actual seizure from the petitioner herein, I am inclined to grant bail to the petitioner subject to the following conditions:



5. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Additional District Judge and Special Court for Essential Commodities Act Cases, Coimbatore, 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 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].



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

30.04.2024

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To

1. The Additional District Judge and Special Court for Essential Commodities Act Cases, Coimbatore
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
Masinagudi Police Station,
Nilgiris.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.4961 of 2024

C.V.KARTHIKEYAN. J.

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