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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9951 of 2024

Shahul Hameed

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
B-1, North Beach Police Station,
Chennai.
Crime No. 37 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No. 37 of 2024 on the file
of the Inspector of Police, B-1 North Beach Police Station, Chennai District.

For Petitioner : Mr. S.Suresh
For Respondent : Mr.Meganathan
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **06.02.2024** for the alleged offences punishable under Sections **8 (c), 22(C), 25 & 29(1) of (NDPS) Act 1985 in crime No. 37 of 2024** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons were found to be illegal possession of 58 grams of Methamphetamine. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is an innocent person. Further, he submitted that contraband was not recovered from this petitioner. Learned counsel prays to grant anticipatory bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that 13 grams of Methamphetamine was seized from A1. Based on the confession other accused were arrested by the respondent police. Further, he stated that there is no previous case pending against this petitioner and also contraband was not recovered from the petitioner.



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5. Considering the period of incarceration undergone by the petitioner and the contraband was not recovered from this petitioner and also there is no previous case pending against the petitioner. Hence, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned VII Metropolitan Magistrate, George Town, 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 Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on alternative days at 10.30 a.m., for a period of three months.

[c] the petitioner shall not abscond either during investigation or trial;



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[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]**;

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

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T.V.THAMILSELVI,J.

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To

1. The **VII Metropolitan Magistrate, George Town, Chennai.**

2.The Inspector of Police,
B-1, North Beach Police Station,
Chennai.

3. The Central prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9951 of 2024

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