



Crl.OP.No.11660 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.OP.No.11660 of 2024

Mijanur Ali

..Petitioner/Accused

Vs.

State rep.by,
The Inspector of Police,
PEW Hosur Police Station,
Krishnagiri District.
(Crime No.299 of 2024)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.299 of 2024 pending
investigation on the file of the respondent police.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl.Side)



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ORDER

The petitioner was arrested and remanded to judicial custody on 30.04.2024 for the offences punishable under **Sections 8(c) r/w 20(b) (ii) (B) of NDPS Act in Crime No.299 of 2024** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.04.2024, the petitioner was found in possession of 5.100 kgs. of Ganja. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been suffering incarceration from 30.04.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner who appears to be the resident of the State of Assam was found in possession of 5.100 kgs. of Ganja.



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However, there are no other record or history showing the involvement of the petitioner in similar crimes earlier.

5.Considering the above facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only), to the credit of the Crime No.299 of 2024** 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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-2, Salem 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 **deposit a sum of Rs.25,000/-(Rupees Twenty Five Thousand only), to the credit of the Crime No.299 of 2024** and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;



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[c] the petitioner shall report before the respondent police daily at 10.30 a.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.

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vsn



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vsn

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