



Crl.O.P.No.12382 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2024

CORAM :

THE HONOURABLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12382 of 2024

1. Mohameed Danish Hussain

2. Faheem

.. Petitioners

Vs.

State Represented by,
The Inspector of Police,
NIB CID, Chennai.
(Crime No.16 of 2024)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C.

pleaded to enlarge the petitioners on bail in Crime No.16 of 2024 pending on
the file of the respondent Police.

For Petitioners : Mr.P.Muthamizh Selvakumar

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



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ORDER

The petitioners were arrested and remanded to judicial custody on 16.04.2024 for the offences punishable under Section 8(c) read with Sections 22(b), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.16 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secret information received by the respondent police, they found that two persons were involved in possession of 5 grams of heroin (wrongly mentioned as Methamphetamine in the petition). Hence, the case was registered against the petitioners.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners. He would also submit that the petitioners are young adults aged about 18 years and this is the first brush of the petitioners with crime and their case may be considered sympathetically as they are to join college for pursuing their Under Graduation Programme. Hence, he prays for grant of bail to the petitioners

4. The learned Government Advocate (Criminal Side) submitted



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that the petitioners were involved in possession of 5 grams of Heroin and the petitioners have given the name of the suppliers. However, the whereabouts of the suppliers is not known. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the age of the petitioners and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners.

6. The petitioners shall deposit a sum of Rs.10,000/-(Rupees Ten Thousand only) each to the credit of the Crime No.16 of 2024 and donate a sum of Rs.10,000/- (Rupees Ten thousand only) each to the Adyar Cancer Institute, Chennai to prove the bonafide and on such deposit and donation, the petitioners are ordered to be released on bail on their executing separate 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 District Munsif Cum Judicial Magistrate, Pallavaram and on further conditions that :-

[a] the sureties shall affix their photographs and Left



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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 petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), each to the credit of the Crime No.16 of 2024 and donate a sum of Rs.10,000/- (Rupees Ten thousand only), each to the Adyar Cancer Institute, Chennai, and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioners shall report before the respondent police weekly once i.e., on every Saturday at 10.30 a.m., until further orders.

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

[e] the petitioners 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].



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

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smv

To

- 1.The District Munsif Cum Judicial Magistrate, Pallavaram.
- 2.The Inspector of Police,
NIB CID, Chennai.
- 3.The Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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C.SARAVANAN, J.

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