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Crl.O.P.No.12966 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2024

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

Crl.O.P.No.12966 of 2024

Mohamed Rasul

... Petitioner/Accused-1

Vs.

State rep. by
Inspector of Police,
B-5 Walajabad Police Station,
Kancheepuram Dt.
Complainant
Crime No.193 of 2024

... Respondent /

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.193 of 2024 on the file of
the respondent Police.

For Petitioner : Ms.S.Gayathri

For Respondent : Mr. Leonard Arul Joseph Selvam,
Govt. Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 25.04.2024 for the offences under Sections 20(b)(ii)(B), 8(C) of Narcotic



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Drugs & Psychotropic Substances Act, 1985 in Crime No.193 of 2024 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 25.04.2024, based on a secret information, the defacto complainant along with other police officials went to Pennadai Village near Crematorium, wherein they said to have found the petitioner along with three accused were in unlawful possession of 1.100 kgs. of ganja and the same was seized by them.

3. The learned counsel for the petitioner stated that he is an innocent person and he has been falsely implicated in this case. He would submit that co-accused was already released on bail the Principal Special Court under EC & NDPS Act, Chennai vide Crl.M.P.No.4711/2024 dated 20.05.2024.

4.The learned Government Advocate (crl.side) raised objections stating that the petitioner is having one previous case for the offence of I.P.C. and investigation is almost completed.



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5.Having regard to nature of allegation made against the petitioner and on considering the quantum of contraband seized from the petitioner and the fact that co-accused was released on bail on 20.05.2024 and taking into consideration, the period of incarceration and also of the fact that the investigation is almost completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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, **(one must be a blood surety)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Kanchipuram District**, 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, everyday at 10.30 a.m., until further orders.

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



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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].

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

30.05.2024

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To

1.The Judicial Magistrate No.II,
Kanchipuram Dt.

2.The Inspector of Police,
B-5 Walajabad Police Station,
Kancheepuram Dt.

3.The Central Prison, Vellore.

4. The Public Prosecutor,
High Court of Madras.



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S.SOUNTHAR, J.

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