



WEB COPY



CRL O.P. No.18781 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.18781 of 2024

Karim Mulla S/o. Thameem Ansari

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
D4 Zam Bazaar Police Station,
Zam Bazaar, Chennai.
[Cr. No.113 of 2024]

... Respondent

For Petitioner : Mr. M. Hussaini Basha

For Respondent : Mr. S. Vinoth Kumar

Government Advocate

[Criminal side]

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused No.1 in Crime No.113 of 2024 on the file of the respondent police.



CRL O.P. No.18781 of 2024

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 05.07.2024 for the offences punishable under sections 8(C) r/w 22(b), 29(1) of NDPS Act in Crime No.113 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of Tydol Tablets of 10 nos. each weighing 100 mg and 14 nos of Nitrovet tablets, which equals to 140 milligrams. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him. The petitioner is A1 in this case. A2 has already been released on bail. The petitioner is in judicial custody for 32 days. The petitioner is no way connected with the case. Hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner was arrested and remanded to judicial custody on 05.07.2024.



CRL O.P. No.18781 of 2024

There are totally two accused and the petitioner is arrayed as A1. A2 was already granted bail. There are 5 previous cases against this petitioner. One case is under NDPS Act and other cases are IPC cases. Hence he objected to grant bail to the petitioners.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that contraband seized from the petitioner is intermediate quantity, considering the fact that the co-accused has already granted bail and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 II Metropolitan Magistrate, Egmore, Chennai and on



CRL O.P. No.18781 of 2024

further conditions that:

WEB COPY

[b] the petitioner shall report before the jurisdictional Magistrate i.e., The II Metropolitan Magistrate, Egmore, Chennai daily at 10.30 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[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 Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.



CRL O.P. No.18781 of 2024

WEB COPY

05.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

TO

- 1.The II Metropolitan Magistrate, Egmore, Chennai.
- 2.The Superintendent,
Central Prison,
Puzhal, Chennai.
- 3.The Additional Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



CRL O.P. No.18781 of 2024

P.DHANABAL,J

mjs

CRL.OP.No.18781 of 2024

05.08.2024