



WEB COPY



CrI.O.P.No.27390 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

**THE HON'BLE MR. JUSTICE P.DHANABAL**

CrI.O.P.No.27390 of 2024

Mohammed Rafiqe

...Petitioner

Vs.

The State rep by  
The Inspector of Police  
R-10 MGR Nagar Police Station,  
Chennai District ,  
( Crime No.410 of 2024)

...Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.410 of 2024 on the file of respondent police.

For Petitioner : Mr.P. Muthamizhselvakumar

For Respondent : Mr.S.Vinothkumar  
Government Advocate (CrI. Side)

\*\*\*\*\*



CrI.O.P.No.27390 of 2024

WEB COPY

## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 17.10.2024 for the offences under Sections 278, 123 of B.N.S,2003 in Crime No.410 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were in illegal possession of 60 Nos of Tydol Tablets, 10 Nos of used syringe and 18 nos of loaded syringe. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 17.10.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



Crl.O.P.No.27390 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner by stating that the petitioner along with other accused were in illegal possession of 60 Nos of Tydol Tablets, 10 Nos of used syringe and 18 nos of loaded syringe . He further submitted that there is no previous case pending against the petitioner.

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

6.Considering the representation made on both sides, nature of offence, the quantity of material involved in this case, there is no previous case pending against the petitioner, taking into consideration the period of incarceration undergone by the petitioner and all other factors, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on



CrI.O.P.No.27390 of 2024

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 **XXIII Metropolitan Magistrate Court, Saidapet** and on further conditions that:

[a] the petitioner shall report before the respondent police everyday at 10:30 a.m until further orders

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the Petitioner shall not abscond either during investigation or trial;



WEB COPY



CrI.O.P.No.27390 of 2024

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

**30.10.2024**

*smn*

To

1.The **XXIII Metropolitan Magistrate Court, Saidapet**

2.The Central Prison, Puzhal, Chennai

3.The Inspector of Police  
R-10 MGR Nagar Police Station,  
Chennai District ,

4.The Public Prosecutor,  
High Court of Madras.



WEB COPY



CrI.O.P.No.27390 of 2024

**P.DHANABAL, J.**

*smn*

CrI.O.P.No.27390 of 2024

30.10.2024