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CrI.O.P.No.28339 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.28339 of 2024

Syed Hafil

... Petitioner

Vs.

The State Represented by
The Inspector of Police
B-1 North Beach Police Station,
Chennai City.
(Crime No.310 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.310 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.I Md Arif

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A3, who was arrested and remanded to judicial custody on



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04.10.2024, seeking bail in Crime No.310 of 2024 registered for the offence under Sections 8(c) read with 20(b) (ii) (B), 21(a), 22(b) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2.The case of the prosecution is that on 04.10.2024 at about 19.00 hours, on receipt of secret information by the defacto complainant that A1 to A4 were found in illegal possession of contraband substances, the Sub Inspector of Police along with her police team went to the Lion City Lodge, Room No.406, Angappannaicken Street, Chennai and enquired them. During enquiry, they have seized 10 grams of Methamphetamine and 100 mg of Heroine and 1.300 kgs of Ganja along with cash Rs.27,000/- from A3 and cash Rs.36,500/- from A4 and had arrested A1 to A4 viz., Asik Ali(A1), Jafar Sadiq(A2), Syed Hafil(A3) and Mohamed Rizwan(A4) and obtained their confession statement, in which, it would reveal that A1 bought the above said contraband from one Faizal, who belongs to Srilanka, for selling the same through A2 to A4. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner was arrested on



04.10.2024 when he had gone to see his friend in a Lodge and even as per the prosecution, the quantity of contraband said to have been seized is intermediate quantity and he is also ready to abide by any stringent conditions that may be imposed by this Court and he has no previous case and prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that totally there are four accused involved in this case and the petitioner is arrayed as A3. On the date of occurrence, A1 was found in an illegal possession of 10 grams of Methamphetamine and 100 mg of Heroine and A2 was found in in an illegal possession of 1.300 kgs of Ganja. While opposing grant of bail to the petitioner/A3, he would further submit except Rs.27,000/-, no contraband was seized from A3.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.5,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of bail to the petitioner.



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6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) as non refundable deposit to "Tamil Nadu State Legal Services Authority, Chennai", without prejudice to his rights and contentions before the trial Court.

8. Merely because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner from 04.10.2024, this Court is inclined to grant bail to the petitioner with certain conditions.

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



on condition to make a non-refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of "**Tamil Nadu State Legal Services Authority, Chennai**", without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **VII Metropolitan Magistrate Court, George Town, Chennai**, 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 06.30 p.m., until further orders;

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



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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 269 B.N.S.

13.11.2024

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To
1. VII Metropolitan Magistrate Court, George Town, Chennai



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2.The Inspector of Police
B-1 North Beach Police Station,
Chennai City.

3.The Central Prison,
Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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