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CrI.O.P.No.30819 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

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

CrI.O.P.No.30819 of 2024

Mohamed Sadam Hussain @ Sadham Hussain ... Petitioner

Versus

State rep. by,
The Inspector of Police,
T-8, Guduvancherry Police Station,
Chengalpattu.
Crime.No.350 of 2024). ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail, in T-8 PS, Crime No.350 of 2024 pending investigation on the file of the respondent Police.

For Petitioner : Mr. R. Parthiban

For Respondent : Mr. A. Gokulakrishnan,
Additional Public Prosecutor

ORDER

Petition seeking bail in respect of Crime No.350 of 2024 registered for the offences punishable under Sections 8(c), 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The incarceration of the petitioner being from 21.10.2024



pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that without prejudice to the defence and contention, he is ready and willing to deposit a sum of Rs.5,000/- as non-refundable deposit to any welfare scheme of the Government or any organization. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that, the petitioner was found in possession of 1.300 Kgs of Ganja. He further submitted that, apart from this case, petitioner has seven previous cases and out of which, one is similar case.

4. 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) to VISHRANTHI CHARITABLE TRUST, Account No : 086310000198, IFSC code : BKDN0620863, SWIFT code/BRANCH code : 600018007, Dena Bank, Alwarpet Branch, 83, TTK Road, Alwarpet, Chennai -18.** without



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prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5. Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and taking note of the nature of allegation, this Court is inclined to grant bail to the petitioner with certain conditions and accordingly, 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 **Judicial Magistrate-II, Chengalpattu** 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 daily at 10.30 A.M., until further orders.

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



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[d] the petitioner shall not tamper with evidence or witness either during the investigation or during the 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 was 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

11.12.2024

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To

- 1.The Judicial Magistrate-II Court, Chengalpattu.
2. The Inspector of Police,
T-8, Guduvancherry Police Station,



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3. The Superintendent,
Central Prison-II, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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