



CRL.O.P.No.31212 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM:

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

CRL.O.P.No.31212 of 2024

1.Mohammed Ghouse
2.Jainnullapudhin

... Petitioners

Versus

State rep.by:
The Inspector of Police,
V-3, J.J.Nagar Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioners on bail in Crime No.728 of 2024 on the file of the respondent Police.

For Petitioners : Mr.C.Raja

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



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ORDER

Petition seeking bail in respect of Crime No.728 of 2024 registered for the offences punishable under Sections 8(c) r/w 22(c), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 @ Section 8(c) r/w 22(c), 29(1) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, is on board for consideration.

2.The incarceration of the petitioners being from 06.11.2024 pleading innocence on the part of the petitioners and false implication in the case, the learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners are implicated in this case only based on the confession statement of A3. He further submits that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.5,000/- each to any welfare scheme of the Government or any other organization. He also submits that the petitioners are 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



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Government Advocate (Criminal Side) appearing for the respondent Police, opposing for grant of bail, is that on 04.11.2024, the respondent Police had received a secret information and had gone to E.B Park, Mogappair East where A1 to A3 found to be in illegal possession of 17 numbers of LSD stamps (0.41 grams). He further submits that based on the confession statement of A3, the petitioners/A4 & A5 have been arrested on 06.11.2024 and from the house of the petitioners, 1.100 kilograms of ganja and 8 grams of OG ganja were seized. He also submits that there are totally nineteen accused in this case and steps are being taken to secure the absconding accused and further there was Gpay transactions between individual accused. He further submits that the petitioners have no previous cases pending against them.

4.Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Little Drops - Public Charitable Trust (Account No.05811010002400, IFSC Code: PUNB0058110 Punjab National Bank, Moulivakkam, Chennai) 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 petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambattur, 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 petitioners shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

[c] the petitioners shall not abscond either



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during investigation or trial;

[d] the petitioners 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 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]***;

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

17.12.2024

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A.D.JAGADISH CHANDIRA, J.

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To



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- 1.The Judicial Magistrate,
Ambattur.
- 2.The Inspector of Police,
V-3, J.J.Nagar Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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