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Crl.OP.No.9839 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.9839 of 2025

J I Mohammed Al Fathaq ... Petitioner(s) /Accused

Vs.

The State,
Rep by the Inspector of Police,
M-1, Madhavaram Police Station,
Chennai District. ... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant an order of anticipatory bail in the event of arrest of the petitioner in connection with Crime No.125 of 2025 pending investigation on the file of the respondent police.

For petitioner(s) : Mr.Bharath Kumar

For Respondent(s) : M/s.J.R.Archana,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(A), 22(b) and 29(1) of NDPS Act, 1985, in Crime No.125 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that, the co-accused was found in illegal possession of 80 grams of Ganja and 7 grams of Methamphetamine and the petitioner was implicated based on the confession of the co-accused.

3. Learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that



the petitioner has no bad antecedents.

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5. Considering the nature of allegations; that the petitioner is sought to be implicated based on the confession of the co-accused; that the contraband seized from the co-accused is intermediate quantity; and since custodial interrogation of the petitioner is not required for the purpose of investigation, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Principal Court of Special Cases for NDPS & EC Act, Chennai**, on condition that the petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further



condition that:

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[a] the petitioner and 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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner



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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”*** reported in **(2005) AIR SCW 5560**.

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

09.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. Inspector of Police,
M-1, Madhavaram Police Station,
Chennai District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Principal Court of Special Cases for NDPS & EC Act, Chennai,

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SUNDER MOHAN, J.

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