

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.04.2019

CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.10721 of 2019

Akash Pandian

... Petitioner

Vs.

State Represented by
Sub Inspector of Police,
E1, Singanallur Police Station,
Coimbatore.
(Crime No.596 of 2019)

... Respondent

COMMON PRAYER: Criminal Original petition has been filed under Sections 439 (1) (a) of the Code of Criminal Procedure, to modify the interim bail granted to the petitioner on 10.04.2019 in connection with Crime No.596 of 2019, on the file of the respondent.

For Petitioners : M/s.I.Abrar Mohamed Abdullah

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original petition has been filed seeking for modification of the interim bail granted to the petitioner by the Court below till 28.04.2019.

2. The learned counsel for the petitioner submitted that the petitioner is studying 3rd year Mechanical Engineering, CIT College, Coimbatore. The respondent police have registered a false case against this petitioner as if this petitioner along with two other accused persons, were in possession of Ganja and 1.50 kg of Ganja was recovered from the accused persons. The petitioner was arrested and remanded to judicial custody, thereafter, the petitioner filed a bail petition before the Court below and the Court below, by an order dated 10.04.2019 granted interim bail to the petitioner for the period from 10.04.2019 to 28.04.2019, by taking into consideration the examination which the petitioner had to take for his Mechanical Engineering Course.

3. The learned counsel further submitted that the Court below ought to have considered the facts of the case and should have enlarged the petitioner on bail. That apart, the Court below has now directed the petitioner to surrender on 29.04.2019 and thereafter, the petitioner will be again confined in the prison. The learned counsel further submitted that there is a semester exam for the petitioner scheduled to be held from 17.05.2019 to 03.06.2019 and if the petitioner is again confined in jail, he will not be able to prepare for the exam and he may have to loose the entire semester.

4. This Court directed the learned Additional Public Prosecutor to take instructions with regard to the antecedents of the petitioner. It is reported that there are no previous cases against this petitioner.

5. Taking into consideration, the facts and circumstances of the case and also the age of this petitioner and also the fact that the quantity involved in this case is "in between quantity" and the petitioner has already suffered incarceration for nearly a week, this Court is inclined to grant bail to the petitioner with the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties each for a like sum;

(b) the petitioner shall report before the respondent police every Monday at 10.30 a.m., except, on those days where the petitioner has semester examination, until further orders.

6. This Criminal Original Petition is disposed of, with the above modification.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Special NDPS Judge,
Coimbatore.

2.The Additional District Judge,
Special Court for Essential Commodity Act Cases,
Coimbatore.

3.The Sub Inspector of Police,
El, Singanallur Police Station,
Coimbatore.

4.The Public Prosecutor,
Madras High Court.

+lcc to Mr.I.Abrar MD Abdullah, Advocate, S.R.No.40703

CrI.O.P.No.10721 of 2019

PP (CO)

RRS (27/04/2019)



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