

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI. O.P. No.9322 of 2020

Moorthi

... Petitioner

-vs-

The State represented by
Inspector of Police,
Karamadai Police Station,
Coimbatore District.
(Cr.No.503 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 503 of 2020, pending investigation on the file of the respondent.

For Petitioner : Mr.C.Ramkumar

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 30.05.2020 for the offences punishable under Sections 8 (c) r/w. 20(b)(ii)(B) of NDPS Act in Crime No.503 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de-facto complainant is that on 30.05.2020, while the defacto complainant was conducting usual raid, the petitioner was found to be in possession of 1 kg. and 200 gms of ganja illegally.

3.The learned counsel for the Petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was playing carom during the curfew period and there was a quarrel between him and the police and a false case has been registered against him for statistical purpose. On instruction, he would further submit that without prejudice to their defence, the petitioners are prepared to deposit some considerable amount to any charitable organization. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that on 30.05.2020, while the respondent was conducting usual raid, the petitioner was in possession of 1.2 kg. of ganga.

5. Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner was in jail for more than 24 days, this Court is inclined to grant bail to the Petitioner subject to the following conditions:-

(a) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through RTGS/NEFT transfer to the credit of **Madras High Court Advocates Clerks Welfare Association (Indian Bank, High Court Branch, A/c.No.484077244, IFSC Code:IDIB000M157)** and on such deposit and production of proof, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on their release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the Judicial Magistrate, Mettupalayam, within 15 days from the date of lifting of lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police everyday at 10.30a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

(e) it is made clear, merely because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently;

(f) the Petitioner shall not commit any offences of similar nature;

(g) the Petitioner shall not abscond either during investigation or trial;

(h) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
01/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
METTUPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KARAMADAI POLICE STATION,
COIMBATORE DISTRICT.

6 THE MADRAS HIGH COURT ADVOCATES CLERKS WELFARE
ASSOCIATION (INDIAN BANK, HIGH COURT BRANCH,
A/C.NO.484077244, IFSC CODE:IDIB000M157)

CC to M/S. C.RAMKUMAR Advocate on payment of necessary charges

CRL OP.9322/2020

Date :01/07/2020

MK:06/08/2020