

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2020

CORAM :

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

CRL.O.P.No.16431 of 2020

M.SANTHOSHKUMAR

... Petitioner

Vs.

State rep by,
Inspector of Police,
Kottur Police Station,
Pollachi Sub Division,
Coimbatore District.
(Crime No.373/2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.373 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.08.2020 for the offences punishable under Sections 8 (b) r/w 20(a)(i) and 8 (c) r/w 20(b) (ii) (B) of NDPS Act, in Crime No.373 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused was found in possession of 200 grams of ganja and he had also cultivated 7 ganja plants in his house. Hence, the complaint.

3.The learned counsel appearing 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 is aged 21 years and he was arrested on 18.08.2020 and that he has been suffering incarceration for about two months. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner along with other accused was found in possession of 200 grams of ganja and thereafter, during investigation, it was found that the petitioner had cultivated 7 ganja plants in his house. He would submit that there is no previous case against the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsels and taking into consideration the period of incarceration suffered by the petitioner from 18.08.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 Special Court for Essential Commodities Act Cases, Coimbatore. and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner on his release from prison shall report before the respondent police everyday at 10.30 a.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) 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/-

15/10/2020

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 SPECIAL COURT FOR
ESSENTIAL COMMODITIES ACT CASES,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

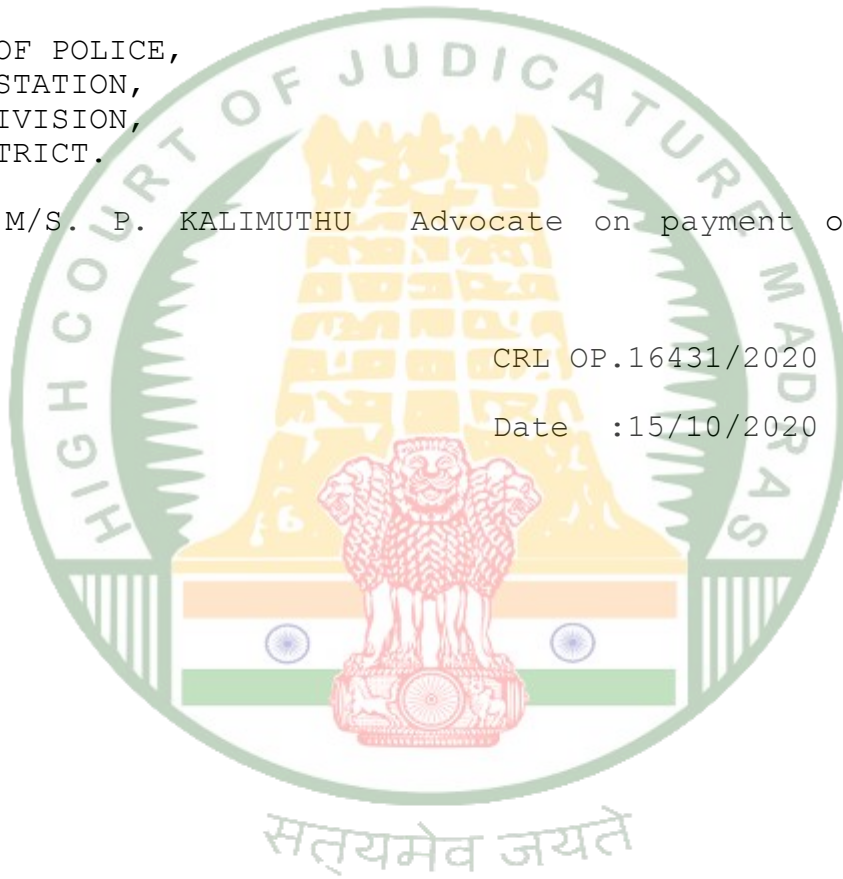
4 INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
POLLACHI SUB DIVISION,
COIMBATORE DISTRICT.

CC to M/S. P. KALIMUTHU Advocate on payment of necessary
charges

CRL OP.16431/2020

Date :15/10/2020

RVR 16/10/2020



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