

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17397 of 2020

Ravi @ Mala Ravi

... Petitioner

Vs.

The State represented by, ... Respondent

Inspector of Police,  
Mettupalayam Police Station,  
Coimbatore District.  
(Crime No.47 of 2020)

**Prayer:** Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.47 of 2020 on the file of the respondent.

For Petitioner : Mr.I.Periaswamy

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl.Side)

**ORDER**

**(The case has been heard through video conference)**

The petitioner, who was arrested and remanded to judicial custody on 25.09.2020 for the alleged offences punishable under Sections 8(c) R/w 20(b)(ii) (B) of NDPS Act in Crime No.47 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was in illegal possession of 1.5 Kg of Ganja and cash of Rs.1,32,000/-. 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 submit that the petitioner was earlier falsely implicated in a NDPS case and later, he was acquitted and thereafter, the respondent police continued to harass the petitioner by demanding Mamool and that the respondent has presented a false complaint and also recovered money from him. He

would submit that the petitioner is a highly diabetic patient and he has to undergo eye surgery and hence, he seeks bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner was illegally found in possession of 1.5 Kg of Ganja and cash of Rs.1,32,000/-, which was the sale proceeds of Ganja. He would submit that earlier involved in a NDPS case and later, he was acquitted.

5. Taking into consideration the facts and submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, 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 learned Additional District Judge/Presiding Officer, 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/-

11/11/2020

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 ADDITIONAL DISTRICT JUDGE/PRESIDING  
OFFICER, SPECIAL COURT FOR ESSENTIAL  
COMMODITIES ACT CASES, COIMBATORE.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, COIMBATORE.

4 THE INSPECTOR OF POLICE,  
METTUPALAYAM POLICE STATION,  
COIMBATORE DISTRICT.

CC to M/S.I.PERIASWAMY Advocate on payment of necessary  
charges

CRL OP.17397/2020

सत्यमेव जयते Date :11/11/2020

TA-18/11/2020

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