

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2020

CORAM :

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

Cr1.O.P.No.20592 of 2020

Mohamed Hussain

... Petitioner

Vs.

State Rep. by

... Respondent

Inspector of Police

Podanur Police Station,

Coimbatore District.

(Crime No.1820 of 2020)

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.1820 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.William Shakesphere

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1.Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.11.2020 for the offence punishable under Section 8(c) R/w 20 (b) (ii) (B) of NDPS Act, in Crime No.1820 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner was found to be in illegal possession of 1.250 Kgs of Ganja. 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.

4.The learned Government Advocate (Cr1. Side) appearing for the respondent would vehemently oppose stating that the petitioner was illegally found in possession of 1.250 Kg. of Ganja. He would further submit that there is no previous cases pending against the

5. Taking into consideration of the facts and circumstance of the case 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 Judicial Magistrate No.7, Podanur**, 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. and 5.30 p.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/-

22/12/2020

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 NO.7,
PODANUR.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

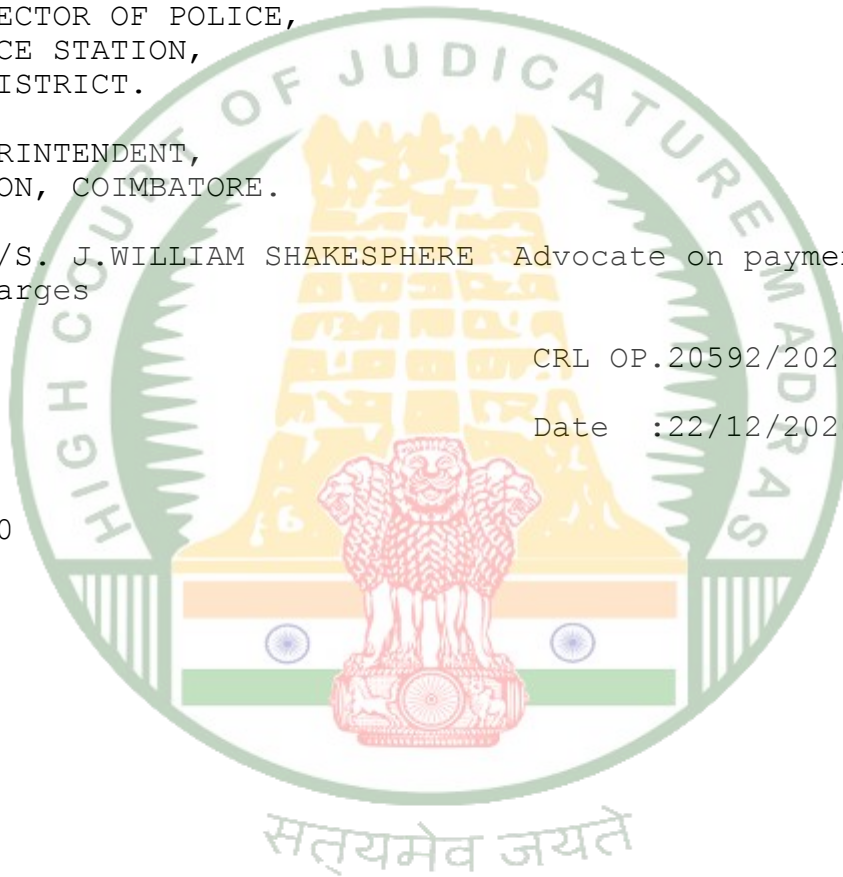
5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S. J.WILLIAM SHAKESPHERE Advocate on payment of
necessary charges

CRL OP.20592/2020

Date :22/12/2020

TA-23/12/2020



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