

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4221 of 2021

A.Rajkumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Perianaickenpalayam Police Station,
Coimbatore District-641 020.
(Crime No.78 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.78 of 2021 on the file of respondent police.

For Petitioner : Mr.Balaji Thirumoorthy

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are five accused and the petitioner is arrayed as A2. The petitioner, who was arrested and remanded to judicial custody on 30.01.2021 for the offence punishable under Sections 8(c) and 20(b)(ii)(b) of NDPS Act, 1985 and 25(1A) of Arms Act, 1959, in Crime No.78 of 2021, seeks bail.

2. The case of the prosecution is that when the respondent police on patrol duty, found that all the accused are riding a two wheeler, on suspicion, they have stopped and the police found that they were carrying some contrabands. After following mandatory procedures, search was effected and found that the petitioner has kept 1.200 kg. of ganja in the two wheeler. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 30.01.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner is an engineering student and studying in Anna University. Earlier, the Special Court has granted interim bail

enabling the petitioner to write his exams on 15.02.2021 till 02.03.2021. He would submit that the petitioner has surrendered today. He would also submit that he is an innocent person and he is no way connected with the offence as alleged in the complaint. He would submit that he has been falsely implicated in the present case. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose this petition on the ground that that the petitioner along with other accused are hand in glove in holding the ganja and the respondent police has followed the formalities and arrested the petitioner. She would also submit that the petitioner is in jail from 30.01.2021. She would also submit that there is no previous case pending against the petitioner and the investigation is also completed. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the petitioner was already granted interim bail by the Special Court, and considering the fact that he is in possession of 1.200 kgs. of ganja, which is an in-between quantity, the investigation is almost completed, 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 Special Court for the 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 daily 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

(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/-
03/03/2021

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 INSPECTOR OF POLICE,
PERIANAICKENPALAYAM POLICE STATION,
COIMBATORE DISTRICT-641 020.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+2 CC to M/S.BALAJI THIRUMOORTHY Advocate on payment of
necessary charges SR.NO.2710

CRL OP.4221/2021

Date :03/03/2021

TA-04/03/2021

WEB COPY