

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.04.2021

CORAM :

THE HON'BLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.6770 of 2021

N.Karthik

... Petitioner

Vs.

The State rep. By Inspector of Police, Respondent
Karamadi Police Station,
Coimbatore District.
Crime No.127 of 2021.

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on Bail in connection with the case in Crime No.127 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.M. Prabavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 09.03.2021 for the offence punishable under Sections 8(c) r/w 20(b) (ii) (B) of NDPS Act, 1985 in Crime No.127 of 2021 seeks bail.

2. The case of the prosecution is that on 09.03.2021, 1.100 grams of ganja was seized from the petitioner due to which a case came to be registered against him.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody for more than 30 days and there is no previous case against the petitioner. Hence he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner was found in possession of 1.100 grams of Ganja and the entire contraband has been seized from the petitioner. Further, it is submitted that there are no previous cases against the petitioner. It is further submitted that

investigation is still not completed and, therefore, she vehemently opposed grant of bail to the petitioner.

5. Considering the fact that the quantity of contraband involved in this case has been seized and further there being no previous case against the petitioner 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:

6. 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 Essential Commodities Act Cases, Coimbatore and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

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

(e) 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];

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

-sd/-

07/04/2021

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 ESSENTIAL COMMODITIES ACT CASES,
COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
METTUPALAYAM.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

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

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

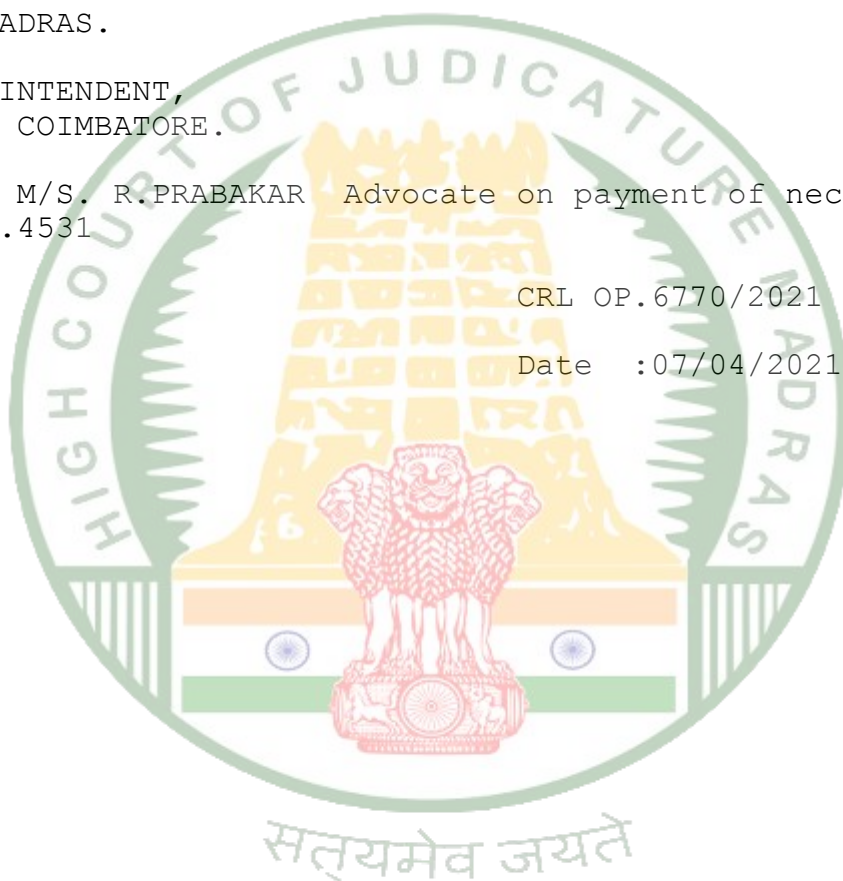
6 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

+1 CC to M/S. R.PRABAKAR Advocate on payment of necessary
charges SR.NO.4531

CRL OP.6770/2021

Date :07/04/2021

TA-08/04/2021



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