



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12800 of 2021

Ayyappan

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
Civil Supply Cid, Pollachi
Coimbatore District
Crime No.174 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to enlarge the petitioner/accused on bail in connection with the Crime No.174 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.W. Camyles Gandhi

For Respondent : Mr.A.Gopinath
Government Advocate(Crl. side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 09.07.2021 for the offence under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7 (i)(a)(ii) of E.C. Act, 1955 in Cr.No.174 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 2 kgs of Ganja. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner submitted **that the petitioner is only a driver** and he was not aware of the fact about the goods in the vehicle and he has been falsely implicated in the case.

4. The learned Government Advocate (Crl. Side) would submit that there is no previous cases pending against the petitioner.

5. Taking into consideration the facts of the case and that the petitioner has no bad antecedents and seized quantity is not a commercial quantity and also taking note of the fact that the



petitioner has been in custody since 09.07.2021, 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 his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Coimbatore, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders.

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

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

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

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

-sd/-

26/07/2021

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 JUDICIAL MAGISTRATE,
NO.IV, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID, POLLACHI,
COIMBATORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.7702

CRL OP.12800/2021

Date :26/07/2021

TA-27/07/2021