

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20462 of 2020

Bava

... Petitioner

Vs.

State Rep by
Inspector of Police,
Podanur Police Station,
Coimbatore District.
(Crime No.1821 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to grant bail to the petitioner, concerned in Cr.No.1821 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.William Shakesphere

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 19.11.2021 for the offence punishable under Section 8(c) r/w. 20(b) (ii) (B) of NDPS Act in Crime No.1821 of 2020, seeks bail.

2. The petitioner is the sole accused in this case. The case of the prosecution is on a secret information from one unknown person, the respondent police went to the scene of occurrence and the petitioner was found in possession of 1.250 kilograms of Ganja. Hence, a case has been registered.

3. The learned counsel for the petitioner would submit that this petitioner has been falsely implicated in this case and nothing has been recovered from this petitioner. He would further submit that the petitioner was in judicial custody for more than 70 days. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent, would submit that when the respondent police conducted

raid on a secret information, the petitioner was found in possession of 1.250 grams of Ganja. She would further submit that the petitioner is a habitual offender and there are 3 previous cases pending for the offence under Indian Penal Code against the petitioner. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case, that only contraband seized was small quantity that only 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 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 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 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/-

08/02/2021

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.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,
COIMBATOR.

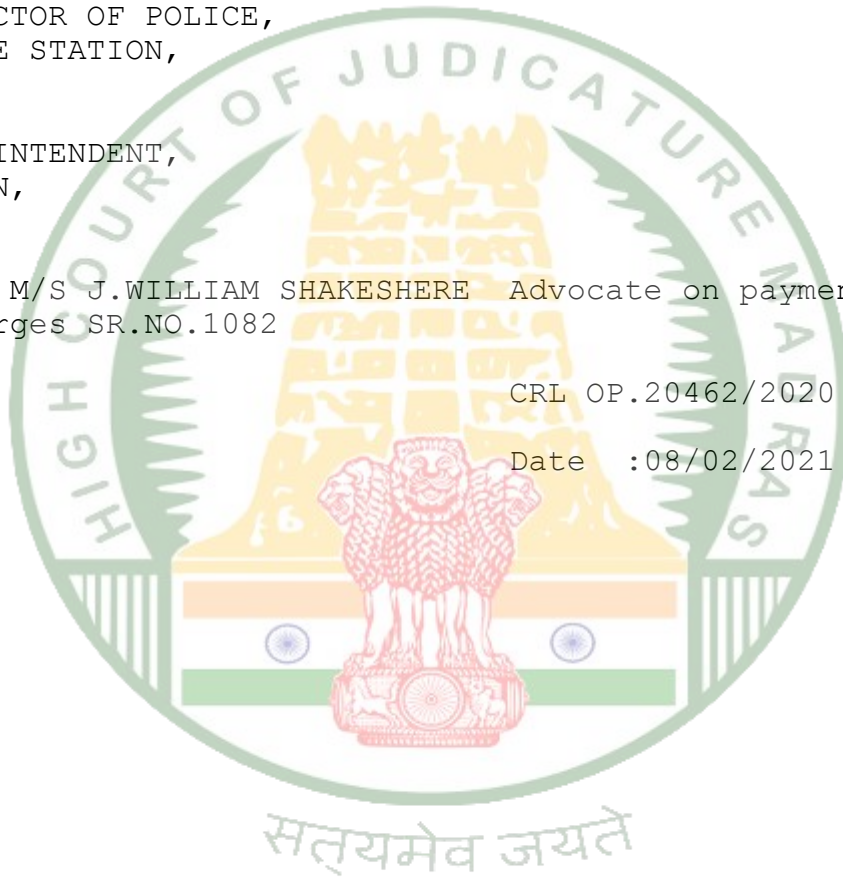
5 THE SUPERINTENDENT,
CENTRAL PRISON,
COIMBATORE.

+1 CC to M/S J.WILLIAM SHAKESHERE Advocate on payment of
necessary charges SR.NO.1082

CRL OP.20462/2020

Date :08/02/2021

TA-09/02/2021



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