



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21031 of 2021

WEB COPY

MAYPPAN @ MAYAVAN

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
Tiruppur North Police Station
Tiruppur District
(Crime No.1213 of 2019)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail concerned in Crime No.1213 of 2019 on the file of the respondent police.

For Petitioner : Mr.R.Anand

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 30.11.2019 for the offences under Sections 8(C) read with 20(b)(ii)(C) and 25 of the NDPS Act, in Crime No.1213 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.11.2019, A2 and A3 were found in illegal possession of 10.500 kgs. and 10.450 kgs. of Ganja respectively and on enquiry, it was found that the same was purchased from A1/the petitioner. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case based on the confession of the co-accused. He would submit that the investigation has been completed and the final report has been filed and the same has been taken on file in C.C.No.37 of 2020 and that the petitioner has been suffering incarceration for about two years from 30.11.2019. He would further submit that the petitioner has been suffering from Heart disease and he had already undergone a surgery in the year 2011 and he also produced a medical report dated 19.10.2021. Hence, he would pray for grant bail to the petitioner.



4. The learned Government Advocate appearing for the respondent raised formal objection and would admit that the charge sheet has been taken on file by the learned Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, in C.C.No.37 of 2020 and now the case has been posted for examination of witnesses. He would also submit that A3 has been granted bail by this Court.

5. It is seen from the medical report that the petitioner is suffering from Coronary Artery disease and his heart functioning is also poor and he is under treatment. Further, the charge sheet has been filed and the same has been taken on file and the case is now posted for examination of witnesses. Hence, considering the above facts and also the period of incarceration undergone by the petitioner and that co-accused has been granted bail, this Court is inclined to grant bail to the petitioner with certain 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, for a like sum to the satisfaction of the learned Judicial Magistrate-I, Tiruppur District, 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 shall report before the respondent police, on every Friday at 10.30 a.m. 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 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]; and;



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

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-sd/-

15/11/2021

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.I, TIRUPPUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
THIRUPUR NORTH POLICE,
THIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.R.ANAND Advocate on payment of necessary charges
Sr.12797

CRL OP.21031/2021

Date :15/11/2021

RVR 15/11/2021