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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

Cr1.O.P.No.2421 of 2022

K.Balasubramaniyam @ Balasubramaniam

...Petitioner

Vs.

State rep. by
Inspector of Police,
JRS Puram (Kadambur) Police Station,
Erode District.
(Crime No.185 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.185 of 2021 pending investigation on the file of the Respondent police.

For Petitioner : Mr.J.Ranjithkumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 30.12.2021 for the offences under Section 8(c) and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.185 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on based on the secret information, the petitioner along with other accused persons have involved in illegal possession of 7 kgs of kanja. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the co-accused was enlarged on bail by the lower Court in Cr1.MP.No.683 of 2021. He further submits that he has been suffering incarceration for 34 days from 30.12.2021 and he would pray for grant of bail to the petitioner.



4.The learned Government Advocate raised objection stating that the petitioner had illegally possessed 7 kgs of kanja and seized the same. He further submitted that the investigation almost completed. He further submits that totally, there are six accused involved in this case and the petitioner herein is arrayed as A6 and there is no previous case against the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed and there is no previous case as against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Additional District Judge Special Court for Essential Commodities Act case, Coimbatore, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c)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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two months ;

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

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

(h)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;



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

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-sd/-

03/02/2022

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 ADDITIONAL DISTRICT JUDGE
SPECIAL COURT FOR ESSENTIAL COMMODITIES ACT
CASES, COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
JRS PURAM (KADAMBUR) POLICE STATION,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S J.RANJITHKUMAR Advocate on payment of necessary charges

CRL OP.2421/2022

Date :03/02/2022

RW 04/02/2022