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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

CORAM:

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

Crl.O.P.No.3249 of 2022

Anna Kodi

.. 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 pending trial in C.C.No.37 of 2020 on the file of the learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.

For Petitioner : Mr.R.Anand

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 27.11.2019 for the offence under Sections 8-C read with 20(b)(ii)(C) and 25 of the NDPS Act in C.C.No.37 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police were on regular patrol, they found that the petitioner along with accused had illegal possession of 21 kgs of ganja by using two wheeler. 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 for the statistical purpose, he has been falsely implicated in this case and he has been suffering incarceration for more than two years days from 27.11.2019. He further submits that the co-accused were released on bail. Hence, he prays to grant bail to the petitioner.



4.The learned Government Advocate(Crl.Side) submits that the petitioner along with accused had illegal possession of 21 kgs of ganja by using two wheeler. He further submits there are nine previous cases against the petitioner and all those cases were related to NDPS Act. He further submits that if the petitioner is released on bail, he may tamper the evidence during the investigation of trial. He admits that investigation was completed and 10.5 kgs of ganja was recovered from the petitioner herein which is less than commercial quantity and further the previous case details also produced. Some of the cases ends in acquittal. However, he vehemently opposed to grant bail to 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 suffered by the petitioner, 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, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Tiruppur 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 daily at 10.30 a.m., until further orders and the petitioner also appear before the concerned court on all hearings without fail;

(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.

-sd/-

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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

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE ADDITIONAL DISTRICT JUDGE/
PRESIDING OFFICER, SPECIAL COURT FOR
ESSENTIAL COMMODITIES ACT CASES, COIMBATORE.

4 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.R.ANAND Advocate on payment of necessary charges
Sr.4539

CRL OP.3249/2022

Date :25/03/2022

RVR 25/03/2022