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Crl.O.P.No. 8523 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.8523 of 2020

Amir @ Amirthalingam,

..Petitioner

Vs.

State by
Inspector of Police,
Tiruppur Central Police Station,
Tiruppur District
(Crime No. 129 of 2020)

...Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.129 of 2020 pending on the file of the Inspector of Police, Tiruppur Central Police Station, Tiruppur District.

For Petitioner : Mr.N.Sudharsan
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.03.2020 for the alleged offence punishable under **Sections 8 (c) r/w 20(b) (ii) (B) of NDPS Act** in Crime No. 129 of 2020 on the



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file of the respondent police, seeks bail.

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2. The case of the prosecution is that the Petitioner was found in possession of 1.100 kgs of Ganja illegally. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Even going by the prosecution, it is very small quantity and there is no par with Section 37 of NDPS Act and he is entitled for bail. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram**, and prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is arrayed as A2. The Petitioner was found in illegal possession of 1.100 kgms of Ganja. Hence, he vehemently opposed to grant bail to the petitioner.



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5.Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram**, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft as non refundable deposit to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram** and on such deposit, the petitioner is ordered to be released on bail, before the learned Additional District and Sessions Judge, Special Court for Essential Commodities Act cases at Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties, each for a like sum to the satisfaction of the respondent police or the police officer or to the satisfaction of the learned Magistrate concerned, failing which, the petition for bail shall stand dismissed and on further condition that:



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[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 Morning at 10.30 a.m and Evening at 5.30 p.m for a period of six weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

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1. Additional District and Sessions Judge,
Special Court for Essential Commodities Act cases,
Coimbatore.
2. The Inspector of Police,
Tiruppur Central Police Station,
Tirupur District.
3. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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