



Crl.OP.No.15531 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM

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

Crl.O.P.No.15531 of 2022

Logeshwaran

...Petitioner

Vs.

State Represented by:
The Inspector of Police,
Podanur Police Station,
Coimbatore.
(Crime No. 315/2018)

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in C.C.No.05 of 2021 pending trial on the file of Hon'ble Additional District Judge/Presiding Officers Special Court for essential Commodities act cases, Coimbatore.

For Petitioner : M/s.M.Ponmudi
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 23.04.2022 on execution of Non-Bailable Warrant issued by the learned Additional District Judge/ Presiding Officer, Special Court for



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essential Commodities Act Cases, Coimbatore for the offence under Sections 8(c) r/w 20(b)(ii)(B) and 29(1) of NDPS Act in C.C.No.05 of 2021, seeks bail.

2.It is the case of the prosecution that initially, the petitioner was arrested and remanded to judicial custody. Subsequently, the petitioner was enlarged on bail and thereafter, he did not appear before the lower Court regularly on 10.03.2022. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner. However, the petitioner was arrested and remanded to the judicial custody on 23.04.2022.

3.The learned counsel appearing for the petitioner would submit that due to family circumstances, the petitioner was not able to appear before the lower Court. He would further submit that the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that this is a case of jumped out bail. The petitioner herein is the 1st accused in C.C.No.05 of 2021. Due to non-appearance of the petitioner before the lower Court, the



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trial judge has issued Non-Bailable Warrant against the petitioner and the petitioner was secured only on 23.04.2022 and if the bail is granted to the petitioner, it is very difficult to secure him. Hence, he vehemently objected for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 23.04.2022, this Court is inclined to grant bail to the petitioner.

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 blood related sureties, each for a like sum to the satisfaction of the learned Additional District Judge/Presiding Officers Special Court for essential Commodities act cases, Coimbatore and on further conditions 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 trial Court viz., learned Additional District Judge/Presiding Officer, Special Court for essential Commodities act cases, Coimbatore twice daily at 10.30 a.m and 5.30 p.m., until further orders.



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[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 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]**.

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

11.07.2022

mpl

To

- 1.The Additional District Judge/Presiding Officer,
Special Court for essential Commodities act cases, Coimbatore
- 2.The Inspector of Police,
Podanur Police Station,
Coimbatore.
- 3.Coimbatore Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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