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Crl.O.P.No.16696 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2022

CORAM

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

Crl.O.P.No.16696 of 2022

Shri Hari B S

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Vadavalli Police Station,
Coimbatore District.
Crime No.342 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with Crime No.342 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.06.2022 for the offences punishable under Sections **8(c) read with 20(b) (ii) (B) and 25 of NDPS Act** in crime No.342 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the petitioner along with other accused were involved in possession of 1.300kgms of ganja along with 18 Nos of chocolates mixed with narcotic drugs. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and further submitted that the petitioner is a college student. Further, on instruction, he would submit that in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.15,000/- to **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**. . Therefore, he prays to grant anticipatory bail to the petitioner.

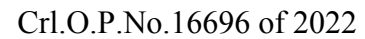


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4. The learned Additional Public Prosecutor would submit that the petitioner is in conscious possession of 600 grams of ganja. Hence, he opposed for grant of bail to the petitioner.

5. Considering the above fact that the recovery made from the petitioner is not a commercial quantity and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 09.06.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.15,000/-(Rupees Fifteen thousand only) directly to **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** and on such deposit 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 Officer, Special Court for Essential Commodities Act Cases, Coimbatore** and on further conditions that:



[b] the petitioner shall deposit a sum of Rs.15,000/-(Rupees Fifteen Thousand only) directly to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent twice daily at 10.30.a.m., and 04.30.p.m., for a period of six weeks and thereafter as and when required for interrogation.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[f] 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]**.

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

19.07.2022

sma

To

1. learned Additional District Judge/ Presiding Officer,
Special Court for Essential Commodities Act Cases, Coimbatore
- 2.The Inspector of Police,
Vadavalli Police Station, Coimbatore District.
3. Central Prison,
Coimbatore
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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