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CrI.OP.No.17353 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2022

CORAM

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

CrI.O.P.No.17353 of 2022

Bhuvana @ Bhuvaneswari

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Ramaathapuram Police Station,
Coimbatore District.
Crime No.316 of 2022

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioner on bail in Crime No.316 of 2022 on the file
of the respondent police.

For Petitioner : Mr.M.Dinesh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.06.2022 for the offence under Section 8(c) read with 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in crime No.316 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was involved in illegal possession of 1 kg 250 grams of Ganja. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. 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.20,000/- to **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**. That apart, the petitioner was arrested and remanded to judicial custody on 07.06.2022. Hence, he prays for grant of bail to the petitioner.



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4.The learned Additional Public Prosecutor submits that the petitioner was involved in illegal possession of 1 kg 250gms of Ganja. He further submitted that the petitioner has five previous cases and he is an habitual offender. Hence, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner ie., from 07.06.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty 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 sureties**, each for a like sum to the satisfaction of the learned **Additional District Judge/ Presiding Officer cum Special Court for Essential Commodities Act, Coimbatore** and on further conditions 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 deposit a sum of Rs.20,000/-(Rupees Twenty 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 police twice daily at 10.30 a.m., and 05.30.p.m., for a period of six weeks and thereafter report before the respondent daily at 10.30.a.m., until further orders.

[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.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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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.

25.07.2022

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To

1. Additional District Judge/
Presiding Officer cum Special Court for
Essential Commodities Act, Coimbatore.
2. The Inspector of Police,
Ramaathapuram Police Station,
Coimbatore District.
3. The Central Jail,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

Sma

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