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Crl.OP.Nos.17780 and 17782 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2022

CORAM

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

Crl.O.P.Nos.17780 and 17782 of 2022

Naveen Kumar ...Petitioners in Crl.O.P.No.17780 of 2022

Surya @ Surya NarayananPetitioners in Crl.O.P.No.17782 of 2022

Vs.

State, Rep. by
The Inspector of Police,
M-5, Vadavalli Police Station,
Coimbatore.
Crime No.342 of 2022

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C.

praying to release the petitioners on bail in Crime No.342 of 2022 on the file
of the respondent police.

For Petitioners : Mr.B.Aravinthan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.06.2022 for the offence under Sections **8(c) read with 20(b)(ii)(B) & 25 of NDPS Act 1985** in Crime No.342 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners along with other accused were involved in illegal possession of 1.300 kgs of Ganja. Hence, the case.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. Further, on instruction, he would submit that in order to show their bonafide, the petitioners are ready and willing to deposit a sum of Rs.20,000/- each to **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**. That apart, the petitioners were arrested and remanded to judicial custody on 09.06.2022. Hence, he prays for grant of bail to the petitioners.



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4.The learned Additional Public Prosecutor submits that the petitioners along with other accused were involved in illegal possession of 1.300 kgs of Ganja. Hence, he opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners ie., from 09.06.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners shall deposit a sum of Rs.20,000/- (Rupees twenty thousand only)each directly to **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** and on such deposit the petitioners 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 Special Judge 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



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Aadhar card or Bank pass Book to ensure their identity.

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[b] the petitioners shall deposit a sum of Rs.20,000/-(Rupees Twenty Thousand only) each 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 petitioners shall report before the respondent police 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 petitioners shall not abscond either during investigation or trial.

[e] the petitioners 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 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].

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

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To

1. Additional District Special Judge for
Essential Commodities Act Cases, Coimbatore.
2. The Inspector of Police,
M-5, Vadavalli Police Station,
Coimbatore.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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