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CrI.OP.No.17813 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2022

CORAM

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

CrI.OP.No.17813 of 2022

Bijaymohnaty

..Petitioner

Vs.

The State Rep by
The Inspector of Police,
Palladam Police Station,
Tiruppur.
Crime No.691 of 2022.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail, in the case pending
investigation in Crime No.691/2022 on the file of the respondent police.

For Petitioner : Mr.J.Kingsly Solomon

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 21.06.2022 for the offence under Sections 8(c) r/w



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20(b)(ii)(B) of NDPS Act in crime No.691 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is alleged to have found in possession of 1020 Grams of Ganja additive candy and a sum of Rs.9,58,700/- was seized from the petitioner. Hence, this complaint.

3. The learned counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 21.06.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 1020 Grams of Ganja additive candy and selling it to the general public.

5. Considering the fact that quantity of the contraband



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involved in this case is not a commercial quantity and also the period of incarceration of the petitioner from the date of his arrest i.e. 21.06.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall deposit a sum of **Rs.10,000/-(Rupees Ten Thousand only)**, by way of Demand Draft to the 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 **EC Court, 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 deposit a sum of Rs.10,000/-(Rupees Ten Thousand only), by way of Demand Draft to the 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 5.30 p.m., until further orders.



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[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 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.

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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The EC Court,
Coimbatore.
- 2.The Inspector of Police,
Palladam Police Station,
Tiruppur.
- 3.Central Prison Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras

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