



CrI.OP.No.18550 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2022

CORAM

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

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Kalaiyarasan @ Kaliyarasan

..Petitioner

Vs.

State rep. by
The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
(Cr. No.221 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.221 of 2022 on the
file of the respondent police.

For Petitioner	: Mr.C.S.Saravanan
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 07.06.2022 for the offence under Sections 8(c) read with



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20(b) (ii) (B) of NDPS Act in crime No.221 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with another accused person was found in possession 1200 grams and 1100 grams of Ganja respectively. 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 07.06.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that petitioner along with another accused person was found in possession 1200 grams of Ganja. He would further submit that there is one previous case pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e. 07.06.2022, this Court is inclined to grant bail to the petitioner. Accordingly, **the petitioner shall donate a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; Ph No.8939065431** and on such donation 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 :-

[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 donate a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; Ph No.8939065431 and the acknowledgement for the



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same 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., 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.

[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 Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore.
- 2.The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
- 3.Central Prison,
Coimbatore.
- 4.RAY OF LIGHT FOUNDATION ,
No.10, Nageswara Road, Nungambakkam,
Chennai, Tamil Nadu 600034.
- 5.The Public Prosecutor,
High Court of Madras

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