



Crl.OP.No.20208 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

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Abhaykumar Behera

... Petitioner

Vs.

State rep by the Inspector of Police,
Perundurai Police Station, Erode(dt)
(Crime No.560 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in FIR in Crime No.560 of 2022 on
the file of the respondent police.

For Petitioner : Mr.P.Mohan Prasad

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.07.2022 for the offences punishable under Sections 8(c), 20 (b)(ii)(A) in the Narcotic Drugs and Psychotropic Substances Act, 1985, 328 of IPC, 1860 and 24(1) of the Cigarettes and other Tobacco Products, 2003 in Crime No.560 of 2022 on the file of learned Judicial Magistrate Court, Perundurai, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 180 grams of Ganja and 19 kgs of banned Tobacco products in his shop. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.50,000/- to any Welfare Scheme of the Government. Therefore, he prays for grant of bail to the petitioner.



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4. The respondent has filed a detailed counter.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in illegal possession of 180 grams of Ganja and 19 kgs of banned Tobacco products in his shop. He would further submit that the petitioner is an habitual offender and he was earlier convicted and found guilty in NDPS Act for having found in possession of 220 grams of Ganja and 1 Kg of banned Tobacco products. It is the subsequent offence. Hence, he vehemently opposed to grant bail to the petitioner.

6. Heard both the learned counsel and perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.50,000/- to any Welfare scheme of the Government, this Court is inclined to grant bail to the petitioner.



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8. Accordingly, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) by way of Demand Draft to the **Dean, Government Erode Medical College, Erode**, and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Perundurai**, 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 report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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]**;

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

19.09.2022

shk

To

1. The learned Judicial Magistrate,
Perundurai.
- 2.The Inspector of Police,
Perundurai Police Station, Erode(dt)
3. The Central Prison,
Coimbatore
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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