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CrI.OP.No.21181 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

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

CrI.OP.No.21181 of 2022

Sunny

...Petitioner

Vs.

The State rep. by Inspector of Police,
The Anamalai Police Station,
Crime No.479 of 2022,
Coimbatore District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with the case in
Crime No.479 of 2022 on the file of the respondent.

For Petitioner : Mr.D.R.Arun Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.side)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 25.05.2022 for the offences punishable under Sections 8(C)
and 20(b)(ii)B of the Narcotic Drugs and Psychotropic Substances, Act,



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1985 in Crime No.479 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 2 Kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case for statistical purpose, since the petitioner has got 2 previous cases as against him. He would further submit that the petitioner is under custody from 25.05.2022 for more than 120 days and the respondent police has not filed final report so far and he is entitled for statutory bail.

4. The respondent has filed a detailed counter.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner was found in possession of 2 Kgs of Ganja. He would further submit that the petitioner has got 2



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previous cases of similar nature and hence, he vehemently opposed to grant bail to the petitioner.

6. Heard the learned counsels. Perused the counter filed by the learned Government Advocate (Crl.side) appearing for the respondent.

7. Taking into consideration the fact, that the petitioner was found in possession of 2 Kgs of Ganja, which is an in-between quantity and that the petitioner is under custody from 25.05.2022 and the respondent has not filed final report till date, this Court is inclined to grant bail to the petitioner.

8. Accordingly, 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 **learned Judicial Magistrate No.1, Pollachi**, 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 report before the respondent police everyday 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

20.09.2022

mpl



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A.D.JAGADISH CHANDIRA, J.

mpl

To

- 1.The Judicial Magistrate No.1,
Pollachi.
- 2.The Inspector of Police,
The Anamalai Police Station,
Coimbatore District.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras

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