



Crl.O.P.No.25058 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

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

Crl.O.P.No.25058 of 2022

Vengateshwaran

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Karumathampatty Police Station,
Coimbatore.

(Crime No.416 of 2022)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.416 of 2022 on the file of the Inspector of Police, Karumathampatty Polie
Station, Coimbatore.

For Petitioner : Mr.P.Thinesh

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who were arrested and remanded to judicial custody on 29.08.2022, for the offences punishable under Sections 8(c), 20(b)(ii)(B), 25 & 29(1) of NDPS Act, in Crime No.416 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the accused were found in illegal possession of 2.70 Kilograms 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. He would also submit that the petitioner is in custody from 29.08.2022. Hence, he prays for grant of bail to the petitioner.

4. The respondent Police have filed a detailed counter.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused



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were found in illegal possession of 2.70 Kilograms of Ganja. He would also submit that there are two previous cases as against the petitioner. Hence, he oppose to grant bail to the petitioner.

6. At this juncture, the learned counsel for the petitioner would submit that with regard to the previous cases, they have been registered for the offence under Section 379 IPC. Hence, he prays for grant of bail to the petitioner.

7. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioner and also considering the previous cases which are registered for the offence under Section 379 IPC, this Court is inclined to grant bail to the petitioner with certain conditions.



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9. 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** (out of which, one surety should be a blood related surety and should produce document to show his/her means) , 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 report before the respondent Police, everyday at 10.30 a.m. and 5.30p.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



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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.

26.10.2022

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To

1. The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore.
2. The Inspector of Police,
Karumathampatty Police Station,
Coimbatore.
3. The Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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