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Crl.OP.No.25848 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

Crl.OP.No.25848 of 2022

Ramar
S/o Ammavasi

..Petitioner/A2

Vs.

The State, rep. by
The Inspector of Police,
NIBCID, Coimbatore
crime No.18 of 2020

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in CC.No.3 of 2021 on the file of the learned Additional NDPS Court-I, Coimbatore in crime No.18 of 2020, NIBCID, Coimbatore.

For Petitioner : Mr.V.K.Sathyamoorthy
for Mr.S.Angamuthu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.03.2021 for the offences punishable under Sections 8(c)



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r/w 20(b)(ii)(C), 25 and 29(i) of the NDPS Act in crime No.18 of 2020 on the file of the respondent police, seeks bail.

2. There are totally five accused and the petitioner has been arrayed as A2. The case of the prosecution is that the petitioner along with other accused were found in possession of 48 kgs of 'ganja' and the respondent seized 16 kgs of 'ganja' from the petitioner. 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. That apart, the petitioner has been suffering incarceration from 04.03.2021. On instructions, he would further submit that the petitioner is ready to donate an amount of Rs.50,000/- to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; Ph No.8939065431, and prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the total contraband involved in this case is about 48 kgs of 'ganja', which is a commercial quantity and further the petitioner was also in conscious and constructive possession. He further submitted that there are three previous cases pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Even according to the case of the prosecution, there are totally five accused, in which the petitioner is arrayed as A2. Though the petitioner had two previous cases similar in nature, both the cases ended in acquittal. Further, even according to the case of the prosecution, except A1, other accused persons threw away the contraband bag and A1 only was found in possession of contraband. Now, after filing charge sheet, it is pending for trial. Further, according to the prosecution, the petitioner had thrown bag weighing 16 kg, which is not a commercial quantity and it is in-between quantity.

6. Considering the above facts and circumstances of the case of the case and also taking note of the fact that the petitioner has come forward to donate an amount of Rs.50,000/- to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; Ph No.8939065431, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall donate a sum of Rs.50,000/-(Rupees Fifty 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 NDPS Court-I, Coimbatore 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 donate a sum of Rs.50,000/-(Rupees Fifty Thousand only), to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; Ph No.8939065431, and that the receipt of such donation shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the trial court i.e. Additional NDPS Court-I, Coimbatore daily at 10.30 a.m. and 05.30 p.m. until further orders.

[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



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registered under Section 229A IPC.

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Additional NDPS Court-I,
Coimbatore
- 2.The Inspector of Police,
NIBCID, Coimbatore
- 3.Central Prison,
Coimbatore
- 4.The Public Prosecutor,
High Court of Madras
- 5.RAY OF LIGHT FOUNDATION
No.10, Nageswara Rd,
Nungambakkam,
Chennai,
Tamil Nadu 600034

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