



Crl.O.P.No.27246 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

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

Crl.O.P.No.27246 of 2022

Eswar @ A.Reddy Eshwar

... Petitioner

Vs.

The State of Tamil Nadu Rep.by,
The Inspector of Police,
Kuniamuthur Police Station,
Coimbatore District.

(Crime No.318 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in relating to the case registered in
Crime No.318 of 2022 on the file of the Respondent.

For Petitioner : Mr.S.N.Subramani

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.09.2022 for the offences punishable under Sections 8(c), 22(b) and 25 of NDPS Act and Section 77 of Juvenile Justice Act, 2015 in Crime No.318 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the Prosecution is that the petitioner along with other accused were involved in illegal possession of 53 tablets of Nitrozepam Tablet weighing 31 grams. Hence, the case.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is working in Apollo pharmacy at Andhra Pradesh and he has been falsely implicated in this case. He would further submit that, even as per the prosecution, the contraband involved in this case is 53 tablets of Nitrozepam Tablet weighing 31 grams, which is an intermediate quantity and further there is no recovery from the petitioner. He would also submit that the petitioner is in custody from 20.09.2022 and hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioner along with other accused were involved in illegal possession of 53 tablets of Nitrozepam Tablet weighing 31 grams. He would also submit that the investigation is pending and the petitioner is residing at Andhra Pradesh and hence, he oppose to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that, to show his bonafide, the petitioner is ready to deposit the original title deeds of the immovable property worth about Rs.10 lakhs either belonging to himself or family members or friends, at the time of executing the sureties.

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



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7. Taking into consideration the facts and the submissions made by the learned Counsel for the petitioner and considering the period of incarceration undergone by the petitioner and the entire contraband involved in this case is about 31 gms, which is an intermediate quantity, where in 37 of NDPS Act will not be applicable and also considering the undertaking given by the petitioner that he is ready to deposit the original title deeds of the immovable property worth about Rs.10 lakhs either belonging to himself or family members or friends, at the time of executing the sureties, 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 the **learned Judicial Magistrate No.VII Coimbatore** and on further conditions that:

[a] the petitioner shall deposit the original title deeds of the immovable property worth about Rs.10 lakhs either belonging to himself or family members or friends to the credit of crime number at the time of executing the sureties;



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[b] 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;

[c] the petitioner shall report before the respondent police daily at 10.30.a.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 abscond, a fresh FIR can be registered under Section 229A IPC.

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A.D.JAGADISH CHANDIRA,J.
Sma

To

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

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