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Crl.OP.No.28319 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

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

Crl.OP.No.28319 of 2022

G.Sivaprakash

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Thudialur Police Station,
Coimbatore District.
(Crime No.826 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.826 of 2022, on the file
of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

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 06.10.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) and 25 of NDPS Act and 399 of IPC in Crime No.826 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused was found to be in illegal possession of 1.200 Kgs of Ganja. 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 based on the confession of A1. He would submit there is no recovery from the petitioner and the petitioner has no previous case pending against him. He would submit that the petitioner is aged about 23 years and the petitioner is ready to abide by any stringent conditions imposed by this Court. Therefore, 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 the petitioner along with the other accused was found to be in possession of 1.200 Kgs of Ganja. He would further submit that there is no previous case pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 either father or mother of the petitioner each for a like sum to the satisfaction of the



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Special Court under EC & NDPS 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 daily at 10.30 am and 5.30 pm 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



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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.

25.11.2022

shk

To

1. The Special Court under EC & NDPS Act, cases, Coimbatore
- 2.The Inspector of Police,
Thudialur Police Station,
Coimbatore District.
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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