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CrI.OP.No.28542 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

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

CrI.OP.No.28542 of 2022

Achu @ Suresh

..Petitioner

Vs.

The State represented by
The Inspector of Police,
Avinashi Police Station,
Tiruppur District.

(Crime No:221 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime No.221
of 2022 on the file of the respondent Police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
24.04.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(c) and
20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, in Crime
No.221 of 2022 on the file of the respondent Police, seeks bail.



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2. The case of the prosecution as per the defacto complainant Amal Arockiadass who is the Sub Inspector of Police, Avinashi Police Station is that on receipt of a secret information, he along with his team went to the place of occurrence, wherein, three persons were standing near a pulsar bike with one travel bag. On seeing the Police officials, they have attempted to escape from the place of occurrence and three persons namely Murugesan, Saran and Achu @ Suresh were arrested and on search, 6 kgs of dry Ganja were recovered from them and on their confession, they had purchased the same from A1/Shanthi, who had brought from Andhra Pradesh. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since there are 13 previous cases pending against him for the offences under Sections 392, 394 and 380 of IPC and in order to curtail the further activities of the petitioner, the case has been foisted against him. Even as per the respondent, the petitioner is stated to have purchased 6 kgs of Ganja from A1/Shanthi, from whom, 15 kgs of Ganja were recovered. He would further submit that subsequently, pursuant to the order passed by the learned District Magistrate and District Collector, Tiruppur District in Crl.M.P.No.69 of 2022, the petitioner was detained under Act 14 and



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thereafter, the order came to be revoked by the Advizory Board. He would further submit that the quantity recovered from the petitioner is only 6 kgs which is not a commercial quantity. He would further submit that the petitioner is in custody from 24.04.2022 and thereby, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that on receipt of a secret information, a search was conducted and from the petitioner and two others, 6 kgs of Ganja were recovered. As per the statement recorded from them, they have purchased it from the main accused /Shanthi, who have bought the Ganja from Andhra Pradesh for retail selling in Tiruppur. He would further submit that there are 13 previous cases pending against him. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel and perused the materials available on record.



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6. Taking into consideration the facts and submissions of the learned counsel and the quantity recovered from the petitioner and also considering the period of incarceration undergone by the petitioner and taking note of the Section 37 of NDPS Act, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431** and on such deposit, 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 blood related sureties**, each for a like sum to the satisfaction of the 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.



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[b] the petitioner shall deposit a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431.**

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m., and 5.30 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 registered under Section 229A IPC.

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G.K.ILANTHIRAIYAN, J.

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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,
Avinashi Police Station,
Tiruppur District.
3. The Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

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