



Crl.O.P.No.4107 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.4107 of 2023

Vignesh Kumar

... Petitioner

Vs.

1. The Inspector of Police,
Uthukuli Police Station,
Thiruppur District.
Crime No. 22 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending in FIR in Crime No. 22 of
2023 pending on the file of the respondent.

For Petitioner : Mr.B.Thiyagarajan
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER



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The petitioner, who was arrested on 24.01.2023 for the alleged offence under Sections 8(c) r/w 20 (b) (ii) (B) of NDPS Act in crime No.22 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent police found 2.5 kgs of Kanja from the accused persons in Scoda car bearing registration No. TN 42 AE 9888. Hence the complaint.

3. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side).

4. The learned counsel for the petitioner submitted that the petitioner has not known about the kanga inside the said car. Further he stated that marriage will be held on 24.02.2023 for the petitioner, to that effect he produced the wedding invitation. Hence he seeks bail. The learned Government Advocate (Crl. Side) stated that the petitioner was arrayed as A2 and also there is no previous case pending against the petitioner.

5. Considering the facts and circumstances of the case and also the fact that there is no previous pending case against the petitioner and contraband seized from the petitioner is intermediate quantity. Hence, this



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Court is inclined to grant bail to the petitioner with the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), to the satisfaction of the Superintendent or Jailer, Central Prison, Coimbatore.

[a] the petitioner shall report before the respondent police as and when required for interrogation;

[b] the petitioner shall not abscond either during investigation or trial;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] 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];**

[e] If the accused thereafter abscond, a fresh FIR



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can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.



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To

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

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22.02.2023