



Crl.O.P.No.5568 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

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

Crl.O.P.No.5568 of 2023

1.Aakash

2.Gowtham

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
C-3, Sai Baba Colony Police Station,
Coimbatore.

(Crime No.42 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.42 of 2023, pending on the file of respondent Police.

For Petitioners : Mr.M.N.Balakrishnan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



WEB COPY



CrI.O.P.No.5568 of 2023

ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.02.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.42 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on receiving a secret information, the respondent Police along with his team went to the scene of occurrence and they found that the petitioners were in illegal possession of 1.300 grams of Ganja. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the contraband involved in this case is in-between quantity. He would also submit that the petitioners are ready to abide by any stringent conditions imposed that may be imposed by this Court and they are in judicial custody from 18.02.2023. Hence, he seeks for grant of bail to the petitioners.



CrI.O.P.No.5568 of 2023

WEB COPY

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioners along with other accused were found to be in illegal possession of 1.300 grams of Ganja. He further submitted that the contraband involved in this case is in-between quantity. He also submitted that there are two previous cases registered under other IPC pending against the petitioners. Hence, he opposed for grant of bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record.

6.Taking into consideration the above facts and circumstances of the case and the submissions made by the learned counsel for the petitioners that the contraband involved in this case is in-between quantity and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, each of the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Additional District Judge/ Presiding Officer, Special Court for essential commodities Act cases, Coimbatore** and on



Crl.O.P.No.5568 of 2023

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 petitioners shall report before the trial Court daily at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

09.03.2023

vk



Crl.O.P.No.5568 of 2023

WEB COPY

To

- 1.The Additional District Judge/ Presiding Officer,
Special Court for essential commodities Act cases,
Coimbatore
- 2.The Inspector of Police,
C-3, Sai Baba Colony Police Station,
Coimbatore.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.O.P.No.5568 of 2023

A.D.JAGADISH CHANDIRA.,J.

vk

Crl.O.P.No.5568 of 2023

09.03.2023