



Crl.O.P.No.6068 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

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

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Naveen Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore City.

(Crime No.34 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.34 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.Mukesh Kannah

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.01.2023, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(A), 27(a), 22(a) of Narcotic Drugs and Psychotropic Substances Act, 1985, and 328 of IPC, in Crime No.34 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant one Silambarasan, Sub-Inspector of Police, is that on receipt of a specific information, he had intercepted one Govarthanan(A1) and one Praveen Kumar (A2) and on search, he had seized 200 grams of Ganja, 190 Nos. of Orange tablets, 18 Nos. of white tablets and 3 nos. of Dispo Van (5 ml) syringes from them and the respondent had arrested them and confession statements were recorded from them, in which they have stated that two other accused were escaped from the scene of occurrence. Thereafter the respondent has registered this case in Crime No.34 of 2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(A), 27(a), 22(a) of Narcotic Drugs and Psychotropic Substances Act, 1985, and 328 of IPC. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been implicated in this case, only based on the confession statements recorded from A1 & A2. He also submitted that other than the confession statement recorded from the other accused, no other material is available as against the petitioner and also there is no recovery from him. He further submitted that the petitioner is in custody from 18.01.2023. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the accused A1 & A2 were found to be in illegal possession of 200 grams of Ganja, 190 Nos. of Orange tablets, 18 Nos. of white tablets and 3 nos. of Dispo Van 5 ml syringes. He further submitted the accused 1 & 2 have confessed that the petitioner is the one who escaped from the scene of occurrence, along with one Ranjith Kumar. Based on their confession, the petitioner has been arrested, whereas, no recovery was made from him. He also submitted that the seized contraband was sent to the chemical analysis and the report is yet to be received. Hence, he opposed to grant bail to the petitioner.



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5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also taking note of the fact that the petitioner has been implicated in this case, only based on the confession statement recorded from the main accused and there is no recovery from the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.V, 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 report before the respondent Police, everyday at 10.30 a.m., 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 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.

16.03.2023

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To

1. The Judicial Magistrate No.V,
Coimbatore.
2. The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore City.
3. The Central Prison,
Puzhal -II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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