



Crl.O.P.No.6176 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

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

Crl.O.P.No.6176 of 2023

Mukesh Kanna

... Petitioner

Vs.

State represented by
The Inspector of Police
E3 Saravanampatti Police Station
Coimbatore
Crime No.47 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to grant bail to the petitioner pertaining to the case in Crime No.47
of 2023 on the file of the respondent/police.

For Petitioner : Mr.A.Parthasarathy

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



Crl.O.P.No.6176 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.02.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B), 22(b) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.47 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of a secret information, the Sub Inspector of Police of the respondent Police station along with her team, went to the scene of occurrence and conducted a search during which, A1 was found in position of 1.100 kgs. of Ganja and the petitioner/A2 was found in possession of 07.740 grams of Methamphetamine, Hence the case.

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 is a degree holder and working as Office Assistant in a private concern. Even as per the prosecution, the alleged quantity of Ganja and Methamphetamine are inbetween quantity and



Crl.O.P.No.6176 of 2023

the main accused/A1 namely Jayakumar has been granted bail by the learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, vide C.M.P.No.643 of 2023 by order dated 15.03.2023 and that the petitioner has been suffering incarceration from 01.02.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail to the petitioner stating that the petitioner is arrayed as A2 in this case and he was found in possession of 07.740 grams of Methamphetamine to be sold to school and college students. However, he would submit that A1 has been granted bail by the Court below and there is no previous against the petitioner herein.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.10,000/- as non- refundable deposit to any welfare scheme of the Government or to any shelter home and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.6176 of 2023

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

7. In order to curb the illegal activities of selling and smuggling of Contraband, this Court is of the opinion that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to **"Light Social Welfare Trust, Canara Bank, Arumuganeri Branch, A/c.No.1102101018391, IFSC Code : CNRB0001102"**, without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel that the petitioner is prepared to deposit Rs.10,000/- to any welfare scheme of the Government and the fact that A1 has already been granted bail by the Court below and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



Crl.O.P.No.6176 of 2023

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** by way of **Demand Draft/RTGS/NEFT** to the **"Light Social Welfare Trust, Canara Bank, Arumuganeri Branch, A/c.No.1102101018391, IFSC Code : CNRB0001102"** without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 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;

[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;



Crl.O.P.No.6176 of 2023

[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.

17.03.2023

ksa-2



Crl.O.P.No.6176 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
E3 Saravanampatti Police Station
Coimbatore
3. The Central Prison
Coimbatore
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.6176 of 2023

A.D.JAGADISH CHANDIRA.,J.

ksa-2

Crl.O.P.No.6176 of 2023

17.03.2023