



Crl.O.P.No.6145 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.6145 of 2023

1. Ganesh

2. Pemaram

... Petitioner

Vs.

State Rep. by

The Inspector of Police

D-1 Ramanadhapuram Police Station

Coimbatore

(Crime No.33 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in the above Crime No.33 of 2023 on
the file of the respondent.

For Petitioners : Mr.S.Senthilvel

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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language problem, they have been wrongly roped into this case. Even as per the prosecution, only 5.235 kgs. of Ganja is said to have been recovered from the 1st petitioner/A1 and only 4.30 kgs. of Ganja is said to have been recovered from the 2nd petitioner/A2 and there is no other previous case pending against the petitioners. He would further submit that the petitioners have been suffering incarceration from 04.02.2023 and 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 petitioners stating that the petitioners along with 2 other accused were found in possession of 13.635 kgs. of Ganja. However, he would admit that there is no previous case pending against the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defense and contentions, are ready and willing to deposit an amount of Rs.15,000/- each 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



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may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioners 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 **each of the petitioners** shall deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** as non refundable deposit to **"Little Drops - Public Charitable Trust, Mobile-9176623342."**, without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioners deposited the said amount, it would not amount to admission of their 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 petitioners are



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prepared to deposit Rs.15,000/- each to any welfare scheme of the Government and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.15,000/- each (Rupees Fifteen Thousand only)** by way of **Demand Draft/RTGS/NEFT to the "Little Drops - Public Charitable Trust, Account No.05811010002400, IFSC - PUNB0058110, Punjab National Bank, Moulivakkam Chennai, Mobile - 9176623342."** without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate-VI, 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 petitioners shall report before the respondent Police everyday at 10.30 a.m. and 5.30 p.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.

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To

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1. The Judicial Magistrate No.VI, Coimbatore
2. The Inspector of Police
D-1 Ramanadhapuram Police Station
Coimbatore
3. The Central Prison
Coimbatore
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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