



WEB COPY



Crl.O.P.Nos.6521 and 6522 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

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

Crl.O.P.Nos.6521 and 6522 of 2023

- | | |
|----------------------|---|
| 1. Satish Kakara | ... Petitioner in Crl.O.P.No.6521 of 2023 |
| 2. Kosetti Marintyya | ... Petitioner in Crl.O.P.No.6522 of 2023 |

Vs.

The State represented by,
The Inspector of Police,
Karamadai Police Station,
Coimbatore District.

(Crime No.62 of 2023) ... Respondent in both the Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners/accused on bail, in connection with the Crime No.62 of 2023, pending on the file of respondent Police.

For Petitioner in Crl.O.P.No.6521 of 2023 : Mr.D.Anthapadmanathan

For Petitioner in Crl.O.P.No.6522 of 2023 : Mr.R.Pragadeeswaran

For Respondent : Mr.C.E.Pratap

Government Advocte (crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.01.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) & 25 of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.62 of 2023, on the file of the respondent Police, seeks 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 along with one other accused were in illegal possession of Ganja, totally weighing about 3 kgs. 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 recovered from this petitioner 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 29.01.2023. He further submitted that A1 has been arrested and enlarged on bail by this Court in



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Crl.O.P.No.5769 of 2023 dated 13.03.2023. Hence, he seeks for grant of bail to the petitioners.

4.The learned Government Advocate (Crl.Side) for the respondent submitted that the petitioners along with one other accused was found to be in illegal possession of Ganja totally weighing about 3 kgs He further submitted that the contraband recovered from these petitioners is 1 kgs. He also submitted that there is no previous case pending against these petitioners. However, he opposed for grant of bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the FIR.

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.



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7. Accordingly, 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 (out of which one surety shall be a blood related surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Mettupalayam** 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 petitioners shall report before the respondent police 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 these petitioners 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]*;



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

23.03.2023

gbi

To

1. The Judicial Magistrate-I,
Mettupalayam.
2. The Inspector of Police,
Karamadai Police Station,
Coimbatore District.
3. The Central Jail (Men Ward)
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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