



Crl.O.P.No.8078 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

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1. Shanthi

2. Murugesan

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
(Crime No.221 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime No.221 of 2022 on the file
of the Respondent Police.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to Judicial custody on 24.04.2022 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 20 (b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, in connection with Crime No.221 of 2022, registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that on receipt of secret information, the respondent police along with team went to the place of occurrence, where in three persons were standing near a pulsar bike with one travel bag. On seeing the police officials, they have attempted to escape from the place of occurrence and the persons namely second petitioner herein, Saran and Achu @ Suresh were arrested and on search, 6 Kgs of dry Ganja was recovered from them and on their confession, they had purchased the same from A1/Shanthi who is the first petitioner herein, who had brought the same from Andhra Pradesh. Hence the complaint.

3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this



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case based on the confession recorded from A3 to A5. The co-accused have been granted bail by this Court in Crl.O.P.No.28562 of 2022 dated 01.12.2022 and Crl.O.P.No.27118 of 2022 dated 14.11.2022. He would further submit that the petitioners were arrested on 24.04.2022 and subsequently, they have been detained under Act 14, whereas, the detention order was quashed by this Court in H.C.P.Nos.2004 & 2005 of 2022 vide order dated 28.03.2023. He would also submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, they prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on receipt of secret information, search was conducted and the petitioners and other accused were found in possession of 6Kg of Ganja. As per the statement recorded from them, they have purchased it from the accused Shanthi/first petitioner herein, who has bought the Ganja from Andhra Pradesh for retail selling in Tiruppur. Hence, he opposed for grant of bail to the petitioners.



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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side this Court is inclined to grant bail to the petitioners with certain condition.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Additional District Judge, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m. until further



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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.

13.04.2023

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To

1. The Additional District Judge,
Special Court for Essential Commodities Act cases,
Coimbatore.
2. The Special Prison for Women,
Coimbatore.
2. The Central Prison,
Coimbatore.
3. The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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