



Crl.O.P.No.8276 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.O.P.No.8276 of 2023

Padman Samal

... Petitioner

Vs.

State represented by

The Inspector of Police,

Coimbatore Railway Police Station,

Chennai Railways.

Crime No.36 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to release him on bail in the above Crime No.36 of 2023 pending on
the file of the respondent police.

For Petitioner : Mr.T.Balaji

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.02.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.36 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of the secret information, the respondent and his team went to the scene of occurrence, wherein, they found that the accused was in illegal possession of 3.5 Kilograms of Ganja. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the prosecution, the contraband alleged to have been recovered from the petitioner is an intermediate quantity. He further submitted that the petitioner was arrested on 20.02.2023, hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner was found to be in possession of 3.5 kgs of Ganja, which is an intermediate quantity. He would further submit that there is no previous case pending against the petitioner. He would also submit that the Aadhar card of the petitioner has been verified and he has got permanent residence in Odisha. However, he opposed for granting bail to the petitioner.

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.15,000/- to any welfare scheme run by the Government. He further stated that the petitioner is ready to furnish any blood related sureties and also agreed to produce the proof of his permanent residence. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of "The Dean, Government Medical College and Hospital, Coimbatore", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner has 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, the submissions made by the learned counsel on either side and taking note of the fact that the petitioner has come forward to deposit an amount of Rs.15,000/- to the credit of the "The Dean, Government Medical College and Hospital, Coimbatore" and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand only) **by way of Demand Draft/RTGS/NEFT to the credit of "The Dean, Government Medical College and Hospital, Coimbatore",** 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** (out of which, one should be the blood related surety, who should produce document to show his/her means) each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, 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 6.30 p.m., until further orders;

[c] the petitioner should produce the proof for his permanent residence before the learned trial Judge concerned at the time of surrender;



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[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]*;

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

17.04.2023

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To

1. The Judicial Magistrate No.II, Coimbatore.
2. The Inspector of Police,
Coimbatore Railway Police Station,
Chennai Railways.
3. The Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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