



WEB COPY



CrI.OP.No.9682 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.9682 of 2023

Shansan

... Petitioner

Vs.

State Rep by
Inspector of Police,
Annur Police Station,
Coimbatore Dt.
Crime No.195 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in crime No. 195 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.A.Damodaran,
Addl. Public Prosecutor



WEB COPY



CrI.OP.No.9682 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.03.2023 for the offence punishable under Sections 8(c), r/w 22 (b) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.195 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.03.2023 at about 02.00 hrs. on a secret information, when the respondent police conducted inspection near Allikulam, they found the petitioner along with other accused were found in illegal possession of 4 grams of Methamphetamine tablets in a zip lock cover and seized the same. Hence, the present complaint was lodged against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that there is no recovery from this petitioner and the petitioner is a friend of A2 and on insistence of A2, the petitioner



CrI.OP.No.9682 of 2023

came to the aforesaid place only for the purpose of procuring job for his livelihood. Hence, he seeks for grant of bail to the petitioner.

4. The learned Addl. Public Prosecutor would submit that the petitioner was found to be in possession of 4 grams of Methamphetamine tablets in a zip lock cover, which is a commercial quantity. Totally, there are two accused in this case and the petitioner is arrayed as A1. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that totally there are two accused in this case and the petitioner is arrayed as A1. Even according to the prosecution, the petitioner was found in possession of 4 grams of Methamphetamine tablets in a zip lock cover, which is a commercial quantity. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall donate a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of “LOVERS OF



CrI.OP.No.9682 of 2023

WEB COPY

TRUTH, UNITY & SERVICE”, A/c. No.611901075128, IFS Code: ICIC0006119, Cell No.9600416555, by producing his/her Aadhar number, PAN number and address. On such donation, the petitioner is ordered to be released on bail on his/her executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned **Addl. District Judge/Presiding Officer, Special Court for Essential Commodities 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 donate a sum of Rs.25,000/-(Rupees Twenty Five Thousand only), to the credit of the “LOVERS OF TRUTH, UNITY & SERVICE”, A/c. No.611901075128, IFS Code: ICIC0006119 Cell No.9600416555, by producing his/her Aadhar number, PAN number and address. The receipt of such donation shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily morning at 10.30 a.m. and evening at 05.30 p.m. until further orders.



CrI.OP.No.9682 of 2023

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

rpp
To

1. Addl. District Judge/Presiding Officer,
Special Court for Essential Commodities Cases,
Coimbatore.
2. Inspector of Police,
Annur Police Station, Coimbatore Dt.
3. Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras, Chennai

.Page 5 of 6



WEB COPY



Crl.OP.No.9682 of 2023

G.K.ILANTHIRAIYAN, J.

rpp

Crl.O.P.No. 9682 of 2023

04.05.2023