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CrI.OP.No.10287 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

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

CrI.OP.No.10287 of 2023

G.Bhuvanesh

... Petitioner/ A2

Vs.

State by:

The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District
Crime No.163 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.163 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Ramesh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.04.2023 for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.163 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 1.300 Kgs of ganja and 3.300 Kgs of ganja chocolate. Hence, the case.

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. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A2. He along with other accused persons were found in illegal possession of 1.300 Kgs of ganja and 3.300 Kgs of



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ganja chocolate. Hence, he vehemently opposed to grant bail to the petitioner.

5. There are totally four accused, in which the petitioner is arrayed as A2. Even according to the case of the prosecution, they were in possession of 1.300 Kgs of ganja and 3.300 Kgs of ganja chocolate and that too, both the contrabands were seized from A1. It is not a commercial quantity, it is an in between quantity. Considering the above facts and circumstances of the case and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall donate a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of “LOVERS OF TRUTH, UNITY & SERVICE”, A/c. No.611901075128, IFS Code: ICIC0006119, Cell No.9600416555, by producing his Aadhar number, PAN number and address. On such donation, 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, each for a like sum to the satisfaction



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of the learned J.M-V., 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.20,000/-(Rupees Twenty Thousand only), to the credit of the “LOVERS OF TRUTH, UNITY & SERVICE”, A/c. No.611901075128, IFS Code: ICIC0006119 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 at 10.30 a.m., for a period of six weeks and thereafter as and when required for interrogation.

[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].



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

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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The J.M.-V., Coimbatore.
- 2.The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District
- 3.“LOVERS OF TRUTH, UNITY & SERVICE”
LOTUS Home,
855, Rohini Gardens,
Periya Pudur,
Salem 636 016
- 4.Central Prison, Coimbatore.
- 5.The Public Prosecutor,
High Court of Madras.

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