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Cr.O.P.No.10682 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Cr.O.P.No.10682 of 2023

Shelton J

... Petitioner

Vs.

The State Rep. By
Inspector of Police,
Thondamuthur Police Station,
Coimbatore.
(Crime No.44 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the case in
Crime No.44 of 2023 on the file of the respondent police.

For Petitioner : Mr.M.Prakash Raj

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 13.04.2023, for the offences punishable under Sections 8(c) r/w
20(b) (ii) (A) of NDPS Act and Section 77 of JJ Act, in Crime No.44 of
2023, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on 13.04.2023, while the respondent police along with his team was on patrol duty, the petitioner was found in possession of 100 grams of Ganja. 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. He further submitted that the petitioner is in judicial custody from 13.04.2023 and that he is ready to abide by any stringent conditions. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police vehemently opposed to grant bail to the petitioner stating that the petitioner was found in possession of 100 grams of Ganja. He would further submit that the petitioner has got four previous cases against him.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police and perused the materials available on record.



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6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, 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 of the learned Judicial Magistrate-6, Coimbatore District, 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 10.30 a.m. until further orders;

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

[d] the petitioner 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



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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]***;

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

10.05.2023

ssi/kmi

To

1. The Judicial Magistrate-6,
Coimbatore District.
2. The Inspector of Police,
Thondamuthur Police Station,
Coimbatore.
3. The Central Jail, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.,

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