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Crl.O.P.No.10929 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.10929 of 2023

Muthulakshmi @ Lakshmi

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
E2, Peelamedu Police Station,
Coimbatore.
Crime No.1798 of 2018.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in C.C.No.92 of 2020, on the file of the Special Court for EC & NDPS Act cases, Coimbatore.

For Petitioner : Mr.R.Chankkaravarthy

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.12.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25, 27A and 29(1) NDPS Act in C.C.No.92 of 2020, on the file of the Special Court for EC & NDPS Act cases, Coimbatore, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in C.C.No.92 of 2020 for the offences under Sections 8(c) r/w 20(b)(ii)(C), 25, 27A and 29(1) NDPS Act in, on the file of the Special Court for EC & NDPS Act cases, Coimbatore He further submitted that, petitioner did not appear before the trial Court in C.C.No.92 of 2020 on the file of the Special Court for EC & NDPS Act cases, Coimbatore. Therefore, Non-Bailable Warrant was issued against him. Petitioner was arrested on 19.12.2022, since then, he is in judicial custody. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side)



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opposes this petition, on the ground that, the case is pending from the year 2020 and trial in this case is under progress. Therefore, he prays for dismissal of this bail petition.

4. Considering the nature of the allegations made against the petitioner, and that petitioner is in judicial custody, after being arrested on Non Bailable Warrant on 19.12.2022 and the submission of the learned counsel for the petitioner that, petitioner will be regular hereafter in appearing before the Court, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a 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 learned **Special Court for EC & NDPS 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.

[c] the petitioner shall report before the Special Court for EC & NDPS Act cases, Coimbatore



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**on all working days and on the date of hearings
without fail.**

[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.

17.07.2023

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To

- 1.The Special Court for EC & NDPS Act cases, Coimbatore.
- 2.The Central Prison,
Salem.
- 3.The Inspector of Police,
E2, Peelamedu Police Station,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.

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