



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

Crl.O.P.No.11846 of 2023

Muhammed Fazil

... Petitioner

Vs.

The State rep by
The Inspector of Police
K.G.Chavadi Police Station,
Coimbatore.
(Crime No.73 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.73 of 2023 on the file of
the respondent.

For Petitioner : Mr.C.D.Sugumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 05.05.2023, for the offences punishable under Sections 8(c) r/w 22(b) of
NDPS Act in Crime No.73 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 were found in illegal possession of 3 grams of methamphetamine. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. He further submitted that he is a resident of Kerala and he is a student studying II year B.Com in Nehru College, Thirumalayampalayam, Coimbatore and he is aged about 19 years. He further submitted that he has been suffering incarceration from 05.05.2023. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.10,000/- to any Welfare Scheme of the Government and he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that petitioner along with other accused were found in illegal possession of 3 grams of methamphetamine. He would fairly concede that the contraband involved in this case is intermediate quantity.



5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is aged only about 19 years and that his parents are ready to stand as surety and that the petitioner is also ready to abide by any stringent conditions that may be imposed by this Court.

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

7. 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.

8. Accordingly, the petitioner is **directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) directly to the Dean/Medical Officer, Coimbatore Medical College and Hospital, Coimbatore as non refundable deposit** and on such deposit and on receipt of proof of payment, 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 surety shall be the father or mother of the petitioner, each for a like sum to the satisfaction of the learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities 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;

[b] the petitioner shall report before the respondent police everyday at 6.30 p.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 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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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

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To

1. The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases, Coimbatore.
2. The Inspector of Police
K.G.Chavadi Police Station,
Coimbatore.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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