



Crl.O.P.No.12161 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

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

Crl.O.P.No.12161 of 2023

Abhinandh

... Petitioner

Vs.

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.,
pleased to enlarge the petitioner on bail in Crime No.73 of 2023 on the file of
the respondent.

For Petitioner : Mr.R.Mukesh Kannah

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 04.05.2023 for the offences punishable under Sections 8(c), 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 was 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 he has been falsely implicated in this case. He further submitted that the co-accused in this case has been granted bail by this Court in Crl.O.P.No.11846 of 2023 by order dated 06.06.2023 and that the petitioner has been suffering incarceration from 04.05.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that the petitioner along with other accused was found in illegal possession of 3 grams of Methamphetamine.



However, he would submit that there is no previous case against the petitioner and the co-accused has been granted bail by this Court.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (CrI. Side) for the respondent police and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner and also of the fact that the co-accused has been granted bail by this Court, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** by way of RTGS/NEFT to the credit of "**Rehoboth - Home for Mentally Challenged Homeless Women**, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai, Punjab National Bank , Moulivakkam Branch, Account No. 05812010015060, IFSC Code : PUNB0058110 MICR Code : 600024081, without prejudice to his rights and contentions before the trial Court, on such



deposit and production of proof, 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 Additional District Judge, 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 06.30 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



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petitioners 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.

09.06.2023

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To

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



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A.D.JAGADISH CHANDIRA,J.,

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