



WEB COPY



CrI.O.P.No.12743 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

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

CrI.O.P.No.12743 of 2023

L.Abudhahir
S/o Liakath Ali

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.

(Crime No.191 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.191 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.Na.Manimaran

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



Crl.O.P.No.12743 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.05.2023, for the offences punishable under Section 328 of IPC r/w Section 24(1) of COTPA Act, in Crime No.191 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of a secret information, the respondent and his team conducted a search and they found that the accused was in illegal possession of 77.7 kgs of banned tobacco products and 27 packets of cannabis chocolates, worth about Rs.1.5 lakhs. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is a petty shop owner and he is no way connected with the alleged offence. He further submitted that the petitioner is in custody from 19.05.2023, hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.12743 of 2023

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession of 77.7 kgs of banned tobacco products and 27 packets of cannabis chocolates, worth about Rs.1.5 lakhs. He further submitted that one previous case is pending against the petitioner registered for the offence under NDPS Act. Therefore, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.1,50,000/- to any welfare scheme run by the Government. He further stated that the petitioner is also ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

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



CrI.O.P.No.12743 of 2023

WEB COPY

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of "The Dean/Medical Officer, Government Medical College Hospital, Coimbatore", without prejudice to her rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.1,50,000/- to the credit of **"The Dean/Medical Officer, Government Medical College Hospital, Coimbatore"**, this Court is inclined to grant bail to the petitioner with certain conditions.



Crl.O.P.No.12743 of 2023

WEB COPY

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) directly to the credit of **"The Dean/Medical Officer, Government Medical College Hospital, Coimbatore"**, without prejudice to her rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on her 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 Chief Judicial Magistrate, 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 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;



WEB COPY



Crl.O.P.No.12743 of 2023

[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]*;

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

08.06 .2023

vk

To

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



WEB COPY



Crl.O.P.No.12743 of 2023

A.D.JAGADISH CHANDIRA.,J.

vk

Crl.O.P.No.12743 of 2023

08.06.2023