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Crl.O.P.No.13045 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

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

Crl.O.P.No.13045 of 2023

Brindhaban Dass

... Petitioner

Vs.

State by
The Inspector of Police
Periyanaickenpalaym Police Station
Coimbatore
Crime No.206 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.206 of 2023 on the file
of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan

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 25.04.2023 for the offences punishable under Sections 8(C) read with 20(b)(ii)(B), 25 and 29(1) of NDPS Act, in Crime No.206 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 2.550 Grams of Ganja coated Chocolate and 300 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 due to language problem. He further submitted that the petitioner has been suffering incarceration for more than 40 days from 25.04.2023. However, without prejudice to his defence, the petitioner is ready and willing to deposit a substantial amount to any welfare scheme run by the Government as may be directed by this Court. Hence, he prayed for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent vehemently opposed for grant of bail to the petitioner stating that the petitioner was found in possession of 2.550 Grams of Ganja coated Chocolate and 300 Grams of Ganja and that the petitioner is a native of Odisha. However, he would submit that there is no previous case against the petitioner.

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

6. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) by way of **RTGS/NEFT to the credit of "Dean, Government Medical College and Hospital, Coimbatore"** without prejudice to her rights and contentions before the trial Court.

7. Merely, because the petitioner has deposits 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.



8. Considering the above 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, this Court is inclined to grant of bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is directed to make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand Only) by way of **RTGS/NEFT to the credit of "Dean, Government Medical College and Hospital, Coimbatore"** 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 out of which, one surety shall be the blood relative 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 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 to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the 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.

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A.D.JAGADISH CHANDIRA,J.,

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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
Periyanaickenpalaym Police Station
Coimbatore
3. The Central Prison, Coimbatore
4. The Public Prosecutor,
High Court of Madras.

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