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Crl.O.P.No.13515 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2023

CORAM:

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

Crl.O.P.No.13515 of 2023

Chandrasekhar Barik

... Petitioner

/versus/

State Rep by the
Inspector of Police,
Annur Police Station,
Coimbatore.
(Crime No.287 of 2023)

.. Respondent

Prayer: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in Crime No.287 of 2023 on the file of the respondent police.

For petitioner : Mr.J.Franklin

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.05.2023, in connection with Crime No.287 of 2023



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registered for the offences under Sections 8(c), r/w 20(b)(ii)(B), Narcotic Drugs and Psychotropic Substances Act on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that when the respondent were on regular patrol, they found that the petitioner along with other accused was found to be in possession of 8 kgs of ganja. 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 further submitted that the petitioner is a native of Orissa and he is working in Thiruppur and due to language problem, he has been falsely implicated in this case. He further submitted that the contraband recovered is of an intermediate quantity and the petitioner is in custody from 03.05.2023. He also submitted that the petitioner is a permanent resident of Odisha. Hence, he prayed for grant of bail to the petitioner.

4. The respondent police has filed a detailed counter.



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5. Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner along with other accused was found to be in possession of 8 kgs of ganja. He also submitted that the petitioner is a permanent resident of Odisha. However, he opposed for grant of bail to the petitioner.

6. 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.15,000/- 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.

7. Heard the learned Counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.



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8. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of "The Dean/Medical Officer, Government Medical College and Hospital, Thiruppur District", without prejudice to his rights and contentions before the trial Court.

9. 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.

10. 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.15,000/- to the credit of "The Dean/Medical Officer, Government Medical College and Hospital, Thiruppur District", this Court is inclined to grant bail to the petitioner with certain conditions.



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11. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand only)** directly to the credit of "**The Dean/Medical Officer, Government Medical College and Hospital, Thiruppur District**", 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 should be a blood related surety) 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 and also he shall produce the proof of permanent resident of Odisha;



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[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]***;

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

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Vv



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



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A.D.JAGADISH CHANDIRA,J.

Vv

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