



Crl.O.P.No.13992 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2023

CORAM

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

Crl.O.P.No.13992 of 2023

1. P.M.Arjun

2. Arjun V.Nair

3. J.Akshay

... Petitioners

/versus/

The State represented by
The Inspector of Police,
K G Chavadi Police Station,
Coimbatore.

(Crime No.94 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Criminal Procedure Code, pleaded to enlarge the petitioners on bail in connection with Crime No.94 of 2023, pending on the file of the respondent Police.

For Petitioners : M/s.R.Angalaparameswari

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



CrI.O.P.No.13992 of 2023

ORDER

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The petitioners, who were arrested and remanded to judicial custody on 02.06.2023 for the offence punishable under Sections 8(c), 20(B)(ii)(a) of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 Juvenile Justice Act, in Crime No.94 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on 02.06.2023, on receipt of the secret information about illegal sale of narcotic substances, respondent police had conducted a search, during which, they found that the accused were in illegal possession of 500 grams of Ganja to sell the same to the school students. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, aged about 22, 21 & 20 years respectively and they have been falsely implicated in this case. He further submitted that the petitioners are no way connected with the alleged offence and they are in custody from 02.06.2023. He also submitted that the petitioners are ready to abide by any stringent conditions that may be



Crl.O.P.No.13992 of 2023

imposed by this Court, hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted the accused were found to be in illegal possession of 500 grams of Ganja and they are attempting to sell the same to the school students. He further submitted that the investigation in this case is still pending, hence, he opposed for grant of bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defence and contention, are ready and willing to deposit an amount of Rs.10,000/- each to any welfare scheme run by the Government. Hence, he prayed for grant of bail to the petitioners.

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



Crl.O.P.No.13992 of 2023

WEB COPY

7. On considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of "The Dean/Medical Officer, Government Coimbatore District Head Quarters Hospital, Coimbatore", without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



Crl.O.P.No.13992 of 2023

10. Accordingly, the petitioners are ordered to be released on bail on condition to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** directly to the credit of **“The Dean/Medical Officer, Government Coimbatore District Head Quarters Hospital, Coimbatore”**, without prejudice to their rights and contentions before the trial Court and on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one of the sureties should be either the father or mother of the petitioners)**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Madukkarai, 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 petitioners shall report before the respondent Police everyday at 06.30 p.m., for a period of four weeks and thereafter, on every Saturday at 06.30 p.m., until further orders;



WEB COPY



CrI.O.P.No.13992 of 2023

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners 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.

22.06.2023



Crl.O.P.No.13992 of 2023

WEB COPY

To

1. The District Munsif cum Judicial Magistrate,
Madukkarai,
Coimbatore.
2. The Inspector of Police,
K G Chavadi Police Station,
Coimbatore.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.13992 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.13992 of 2023

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