



Crl.OP.No.14541 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.14541 of 2023

Chinnasamy S/o/Balusamy

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
(Crime No.232 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.232 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.05.2023 for the offences punishable under Sections 8(c), r/w 20(b)(ii)(B) of N.D.P.S Act in Crime No.232 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.204 of 2023. It is his submission that, petitioner is innocent and thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, petitioner has a similar case pending in Crime No.63 of 2012 for the offences under Section 20(b)(ii)(A) of N.D.P.S Act. Therefore, he prays for dismissing this petition.

4. Considered the rival submissions and perused the records. When enquired about the status of the case in Crime No.63 of 2012, it was reported that, the final report is not filed so far. The fact that, the



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final report is not filed, even after completion of more than 10 years shows that, the first information report was registered, just to harass the petitioner in Crime No.63 of 2023.

5. Considering the fact that possession of ganja in this case is about 1.250 grams, which is an intermediate quantity and that petitioner is in judicial custody from 11.05.2023, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.1, Udumalpet** 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.



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[b] the petitioner shall report before the respondent police daily 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate No.1,
Udumalpet
- 2.The Central Prison,
Coimbatore.
- 3.The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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