



Crl.O.P.No.14775 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

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

Crl.O.P.No.14775 of 2023

Kannan

...Petitioner

Vs.

The State represented by
The Inspector of Police,
B1 Bazaar Police Station,
Coimbatore District.
Crime No.147 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.147 of 2023 pending on the file of the Inspector of Police, B1 Bazaar Police Station, Coimbatore.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



Crl.O.P.No.14775 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.06.2023 for the offences punishable under Sections 8(c), 22(b), 29(1) and 25 of NDPS Act, 1985 and 328 of IPC in Crime No.147 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is implicated as an accused in Crime No.147 of 2023 for the offences under Sections 8(c), 22(b), 29(1) and 25 of NDPS Act, 1985 and 328 of IPC, on the basis of the confessional statement of the co-accused. There was no recovery of narcotic or psychotropic substances from the petitioner. Petitioner is in judicial custody from 05.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposes this petition, on the ground that, on 12.05.2023 at about 11.00 a.m., respondent police found the accused 1 to 4 under suspicious circumstance, near Bannari Amman Koil, Gandhi Nagar. After following the necessary procedure, accused were searched and they were found



Crl.O.P.No.14775 of 2023

with illegal possession of 15 tablets of Tapentadol 50 mg and 70 tablets of Tapentadol 100 mg. The tablets were seized and thereafter, the case came to be registered. These tablets are not scheduled drug as per NDPS Act. After registration of the case, petitioner was also involved in another case in Crime No.169 of 2023, registered for illegal possession of 250 grams of ganja. Therefore, he prays for dismissal of this bail petition.

4. Considering the fact that, petitioner is implicated, on the basis of the confessional statement of the co-accused and that there is no recovery from the petitioner and that petitioner is in judicial custody from 05.06.2023 and that the material part of the investigation is over, this Court is inclined to grant bail to the petitioner and 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 **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



Crl.O.P.No.14775 of 2023

Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner without prejudice to his defence shall deposit a non-refundable sum of Rs.10,000/-, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioner shall not abscond either during



Crl.O.P.No.14775 of 2023

investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

25.07.2023

gd

G.CHANDRASEKHARAN. J.



WEB COPY



Crl.O.P.No.14775 of 2023

gd

To

1.The Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act cases, Coimbatore.

2.The Central Prison.
Coimbatore.

3.The Inspector of Police,
B1 Bazaar Police Station,
Coimbatore District.

4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.14775 of 2023

25.07.2023