



Crl.O.P.No.14786 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

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

Crl.O.P.No.14786 of 2023

1.Shek Mohammed  
2.Kathirvel

...Petitioners

Vs.

The State Represented by,  
The Inspector of Police,  
Uthukuli Police Station,  
Tiruppur District.

...Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail in Crime No.160 of 2023 on the file of the Inspector of Police, Uthukuli Police Station, Tiruppur District.

For Petitioners : Mr.R.Muthukumar

For Respondent : Mr.Leonard Arul Joseph Selvam  
Government Advocate (Crl.side)



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**ORDER**

The petitioners, who were arrested and remanded to judicial custody on 13.05.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.160 of 2023 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners submitted that, petitioners are charged for the offences under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.160 of 2023. Petitioners are in judicial custody from 13.05.2023. They are falsely implicated in this case. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, petitioners are found in possession of 1.150 kgs of ganja on 13.05.2023. 1<sup>st</sup> petitioner has similar case pending against him in Crime No.1329 of 2020. Therefore, he prays for dismissing this petition.



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4. In the circumstances stated by the learned counsel for the parties, this Court is of the view that,

(i) Since 2<sup>nd</sup> petitioner is in judicial custody from 13.05.2023 and he is first time offender insofar as NDPS Act offence is concerned, he may be released on bail with conditions.

(ii) Since 1<sup>st</sup> petitioner has similar case pending against him in Crime No.1329 of 2020, this Court is not inclined to grant bail to the 1<sup>st</sup> petitioner.

(iii) Therefore, this Criminal Original Petition is allowed insofar as the 2<sup>nd</sup> petitioner is concerned and is dismissed insofar as 1<sup>st</sup> petitioner is concerned.

5. Accordingly, the Criminal Original Petition is partly allowed and 2<sup>nd</sup> 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/Principal Officer, Special Court for**



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**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 2<sup>nd</sup> petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.**

[c] the 2<sup>nd</sup> petitioner shall not abscond either during investigation or trial.

[d] the 2<sup>nd</sup> 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 2<sup>nd</sup> petitioner in accordance with law as if the conditions have been imposed and the 2<sup>nd</sup> 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



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[(2005)AIR SCW 5560].

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

**04.07.2023**

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To

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

2.The Central Prison,  
Coimbatore.

3.The Inspector of Police,  
Uthukuli Police Station,  
Tiruppur District.

4.The Public Prosecutor,  
High Court of Madras



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**G.CHANDRASEKHARAN. J.**

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