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Crl.OP.No.15438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.07.2023

CORAM

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

Crl.OP.No.15438 of 2023

Srihari

..Petitioner

Vs.

State Rep by
The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore
Crime No.178 of 2023.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with Crime No.178 of 2023 on the file of the Respondent Police pending investigation.

For Petitioner : Mr.K.Balasubramaniam
For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.05.2023 for the offence punishable under Sections, 8(c), 22(b) & 25 of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.178 of 2023, on the file of the respondent police seeks bail.



Crl.OP.No.15438 of 2023

WEB COPY

2.The learned counsel for the petitioner submitted that petitioner is a college student and he has been falsely implicated in Crime No.178 of 2023, registered for the offences under Sections 8(c), 22 (b) & 25 of Narcotic Drugs & Psychotropic Substances Act, 1985. He is in judicial custody from 15.05.2023 and thus, he seeks bail.

3.In response, the learned Government Advocate (Crl. Side) submitted that on 14.05.2023, at about 20 hours, near Coffee Kadai Junction, petitioner was found in possession of 11 grams of methamphetamine and he was arrested. He further submitted that petitioner has no previous case pending against him.

4. Considering the fact that petitioner is a student and has no previous case pending against him and that he was found in possession of intermediate quantity of methamphetamine and also the fact that material part of investigation is over, this Court is inclined to grant bail to the petitioner.



Crl.OP.No.15438 of 2023

5. 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 **Additional District Judge/Presiding Officer Special Courts 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 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



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CrI.OP.No.15438 of 2023

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.

11.07.2023

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Crl.OP.No.15438 of 2023

To

1. The Additional District Judge/Presiding Officer Special Courts
for Essential Commodities Act Cases, Coimbatore.
2. The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore
Crime No.178 of 2023.
3. Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras



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Crl.OP.No.15438 of 2023

G.CHANDRASEKHARAN. J.

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Crl.O.P.No.15438 of 2023

11.07.2023