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Crl.OP.No.15417 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.07.2023

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

Crl.OP.No.15417 of 2023

Gadiraju Sandeep

..Petitioner

Vs.

State Rep by
The Inspector of Police,
Masinagudi Police Station,
The Nilgiris,
Crime No.79 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.79 of 2023 on the file of the Respondent Police pending investigation.

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.06.2023 for the offence punishable under Sections 22(b) & 25 of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.79 of 2023, on the file of the respondent police seeks bail.



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2.The learned counsel for the petitioner submitted that petitioner has been falsely implicated in Crime No.79 of 2023, registered for the offences under Sections 22 (b) & 25 of Narcotic Drugs & Psychotropic Substances Act, 1985. He has been implicated on the basis of confession statement of the co-accused and that there is no recovery of contraband from him. Petitioner is in judicial custody from 16.06.2023 and thus, he seeks bail.

3.In response, learned Government Advocate (Crl. Side) submitted that as per the confession statement of A1 and A2, they procured contraband at the instance of A3. However, there is no recovery from A3.

4. Considered the rival submissions and perused the records.

5.It is seen from the FIR allegations that the respondent police on 15.06.2023, at about 18 hours, conducted search of a Car bearing No.TS-07-FA-2334 and found the accused Karthik with illegal possession of 15 grams of Cocaine. It is seen from the submissions of



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the learned counsel appearing for the parties that there is no recovery made from the petitioner and petitioner is implicated on the basis of the confession statement of A1 and A2. Apart from that, 15 grams is an intermediate quantity.

5. Considering the submissions of the learned counsel for the parties and the fact that the petitioner is in judicial custody from 16.06.2023, this Court is inclined to grant bail to the petitioner. 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.



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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.

11.07.2023

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To

1. The Additional District Judge/Presiding Officer Special Courts
for Essential Commodities Act Cases, Coimbatore.
2. The Inspector of Police,
Masinagudi Police Station,
The Nilgiris,
Crime No.79 of 2023.
3. Sub Jail, Gudalur, The Nilgiris.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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