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Crl.O.P.No.15571 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

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

Crl.O.P.No.15571 of 2023

Giritharan

...Petitioner

Vs.

The Inspector of Police,
Sulur Police Station,
Coimbatore.
(Crime No.364 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.364 of 2023 on the file of the respondent police.

For Petitioner : Mr.M.Naresh Babu

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 26.05.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 29(1) NDPS Act in Crime No.364 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.364 of 2023 for the offences under Sections 8(c), 20(b)(ii)(B) and 29(1) NDPS Act. He further submitted that, petitioner is innocent and he is falsely implicated in this case. Petitioner is in judicial custody from 26.05.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposes this petition, on the ground that, petitioner was found in illegal possession of 1300 grams of ganja. There are four accused in this case and 4 kgs of ganja has been seized. Therefore, he prays for dismissal of this bail petition.

4. Considered the submissions and perused the records.



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5. It is seen from the first information allegations that, on 26.05.2023 at about 09.00 a.m., petitioner along with other accused was found with illegal possession of ganja near Barathipuram, Harijana colony, Samuthayakoodan. When enquired, it was found that, petitioner was in possession of 1300 grams of ganja. Ganja was recovered from the other accused also. There is no previous case pending against the petitioner. It appears that, this is the first offence committed by the petitioner under NDPS Act.

5.1. Considering the nature of the allegations made against the petitioner, and that, this is the first offence committed by the petitioner and that the illegal possession of ganja had been recovered from the petitioner and other accused and that petitioner is in judicial custody from 26.05.2023 and that the material part of the investigation might have been over by this time, 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



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thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sulur** 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 without prejudice to his defence shall deposit a non-refundable sum of Rs.25,000/-, by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai 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.



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[d] the petitioner shall not abscond either during 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.

17.07.2023

gd

To

1.The Judicial Magistrate, Sulur.

2.The Central Prison,
Coimbatore.

G.CHANDRASEKHARAN. J.



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3.The Inspector of Police,
Sulur Police Station,
Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

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