



CrI.OP.No.15817 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.07.2023

CORAM

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

CrI.OP.No.15817 of 2023

1.Naveenraj

2.Vignesh

3.Vasanthakumar

..Petitioners

Vs.

The State Rep by
The Inspector of Police,
Palladam Police Station,
Tiruppur District.
(Cr.No.647 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail, Crime No.647 of 2022 on the file of the Inspector of Police, Palladam Police Station, Palladam.

For Petitioners : Mr.P.Thinesh

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

ORDER

The petitioners, who were arrested and remanded to judicial



Crl.OP.No.15817 of 2023

custody on 12.06.2023 for the offences punishable under Sections 8 (c), 20 (b) (ii) (B) & 25 of NDPS Act in Crime No.647 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that, petitioners are accused in Cr.No.647 of 2023 registered for the offences under Section 8 (c), 20 (b) (ii) (B) & 25 of NDPS Act. Petitioners are falsely implicated in this case. They are in judicial custody from 12.06.2023. Therefore, he prays for grant of bail to the petitioners.

3.In response, the learned Government Advocate (Criminal Side) submitted that accused were found in possession of 2.700 Kg of Ganja at about 10.00 a.m. on 12.06.2023. Ganja has been recovered. Petitioners had no similar cases pending against them.

4.Considered the rival submissions and perused the records.

5.Considering the fact that this is the first offence registered against the petitioners under NDPS Act and that petitioners are in



Crl.OP.No.15817 of 2023

judicial custody from 12.06.2023 and that substantial part of investigation might have been over, this Court is inclined to grant bail to the petitioners.

6. Accordingly, petitioners is directed to make a non-refundable deposit of **Rs.10,000/- each (Rupees Ten Thousand only) each by way of Demand Draft/RTGS/NEFT** to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, and on such deposit the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners without prejudice to their defence shall deposit a non-refundable sum of **Rs.10,000/- each, by way of Demand Draft to the**



CrI.OP.No.15817 of 2023

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 petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

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

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



WEB COPY



CrI.OP.No.15817 of 2023

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.

18.07.2023

ep

To

- 1.The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act cases,
coimbatore.
- 2.The Inspector of Police,
Palladam Police Station,
Tiruppur District.
- 3.Central Prison, Coimbatore
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.15817 of 2023

G.CHANDRASEKHARAN. J.

ep

Crl.OP.No.15817 of 2023



WEB COPY



CrI.OP.No.15817 of 2023

18.07.2023