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CrI.OP.No.16872 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.07.2023

CORAM

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

CrI.OP.No.16872 of 2023

Rajesh Kumar

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Perundurai Police Station,
Erode District.
(Cr.No.495 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.495 of 2023 on the file of the respondent.

For Petitioner : Mr.J.Ranjithkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.06.2023 for the offences punishable under Section 8 (c) and 20 (b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.495 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 is falsely implicated in this case. Earlier also there are two cases filed by Perundurai Police Station in Cr.No.375 of 2023 for the offence under Section 24 (1) Cigarette and Other Tobacco Products Acts, 2003 and in Cr.No.376 of 2023 for the offence under Section 8 (c) and 20 (b) (ii) (A) of Narcotic Drugs and Psychotropic Substances Act, 1985. In both the cases, there was no recovery made from this petitioner. He was implicated on the basis of confessional statement of co-accused. Again this present case is filed only with a view to falsely implicate the petitioner and harass him. Petitioner is in judicial custody from 24.06.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that petitioner has following cases pending against him:-

- i)558 of 2021 – u/s 379 I.P.C
- ii)559 of 2021 – u/s 379 I.P.C.
- iii)558 of 2022 – u/s 273, 328 I.P.C r/w 24 (1) (o) PA Act
- iv)375 of 2023 – u/s 24 (1) (o) PA Act



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v)376 of 2023 – u/s 8(c) r/w 20 (b) (ii) (B) of NDPS Act.

4.Considered the rival submissions and perused the records.

5.As already stated, the cases in Cr.No.375 of 2023 and Cr.No.376 of 2023 had been registered on the same date. In both the cases, petitioner was implicated as accused on the basis of confessional statement of co-accused. There was no recovery from him. In the facts and circumstances of the case and also the fact that the contraband in this case is intermediate quantity and that was seized, that petitioner is in judicial custody from 24.06.2023, this Court is inclined to grant bail to the petitioner with conditions. No petition should be filed for relaxation of conditions before thirty days.

6. Accordingly, the petitioner is ordered to be released on bail on his 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, Special Court for Essential**



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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 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.



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To

- 1.The Additional District Judge, Special Court for
Essential Commodities Act Cases Coimbatore.
- 2.The Inspector of Police,
Perundurai Police Station,
Erode District.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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