



CrI.OP.No.19308 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

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

CrI.OP.No.19308 of 2023

Gokul

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
PEW-Erode Police Station,
Erode District.
Crime No.526 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.526 of 2023 on the
file of the respondent.

For Petitioner : Mr.C.Deepakkumar

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.07.2023 for the offences punishable under Sections 8 (c) r/w 20 (b) (ii) (B) of NDPS act, in Crime No.526 of 2023, on the file of the respondent police seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Cr.No.526 of 2023 for the offences under Sections 8 (c) r/w 20 (b) (ii) (B) of NDPS act. He is in Judicial Custody from 21.07.2023 and thus, he seeks bail.

3.In response, learned Additional Public Prosecutor submitted that, on 21.07.2023, at about 13.30 hours, the defacto-complainant and Police party were involved in vehicle check at Tiruchengode Kokarayanpettai to Erode, Namakkal district. They found two-wheelers bearing Nos.TN 34 X 0687 and TN 33 BF 7159. On seeing the Police party, they tried to escape. However, Police apprehended Sathish, Gokul and Salam. After following necessary procedure, a search was conducted and accused were found in possession of 1.100 kg of Ganja. Ganja and vehicles were



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seized.

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4.Considered the rival submissions and perused the records.

5.Considering the recovery of Ganja and two-wheelers, the fact that petitioner is in judicial custody from 21.07.2023 and that he has no similar previous case pending against him and that material part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner.

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 Judicial Magistrate No.2, Erode**, 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 10.00.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. Judicial Magistrate,
Erode
2. The Inspector of Police,
PEW-Erode 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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