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Crl.O.P.No.18988 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.18988 of 2023

Vijayan @ Vijaykumar

...Petitioner

Vs.

State rep.by,
The Inspector of Police,
P.E.W-Vellore Police Station,
Vellore District.

(Crime No.182 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.182 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.N.Arun Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.06.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.182 of 2023 on the file of the respondent, seeks bail.



Crl.O.P.No.18988 of 2023

WEB COPY

2. It is the submission of the learned counsel for the petitioner that, petitioner is falsely implicated in this case in Crime No.182 of 2023 registered for the offence under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. Petitioner is in judicial custody from 17.06.2023. Petitioner is innocent. Thus, he seeks bail.

3. In response, learned Additional Public Prosecutor submitted that, on a secret information, respondent police mounted surveillance in Thirupathi to Salem Tamil Nadu State Government Express Bus and found the accused in a suspicious circumstances. After following the necessary procedure, it was found that, accused were in possession of 12 kgs of ganja. This petitioner is the 3rd accused and he is implicated as an accused in this case, based on the confessional statement of other accused persons. Thus, he prays for dismissal of this bail petition.

4. Considered the rival submissions and perused the records of the case.



Crl.O.P.No.18988 of 2023

WEB COPY

5. On perusal of the records, it is noticed that, respondent police registered a case against three accused persons in Crime No.182 of 2023 for the offences under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. This petitioner is the 3rd accused and he is implicated as an accused in this case, only based on the confessional statement of other accused persons. Petitioner is in judicial custody from 17.06.2023.

6. Considering the fact that, admittedly the contraband of 12 kgs of ganja was not recovered from this petitioner and that, petitioner is implicated only based on the confessional statement of the co-accused and also considering the incarceration period of the petitioner and the fact that, petitioner has no similar previous cases pending against him, and the material part of the investigation might have been completed by this time, 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 Judicial Magistrate IV at Coimbatore**, and on further conditions that :-



Crl.O.P.No.18988 of 2023

[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.

21.08.2023

gd/vca



Crl.O.P.No.18988 of 2023

WEB COPY

To

- 1.The Judicial Magistrate IV at Coimbatore.
2. The Inspector of Police,
P.E.W-Vellore Police Station,
Vellore District.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.18988 of 2023

V.SIVAGNANAM, J.
gd/vca

Crl.O.P.No.18988 of 2023

21.08.2023