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Crl.O.P.No.19255 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

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

Crl.O.P.No.19255 of 2023

Asraf Ali

..Petitioner

Vs.

State, rep. by through,
The Inspector of Police,
Gomangalam Police Station,
Coimbatore District.
Crime No.135 of 2017

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with C.C.No.22 of 2020 on the file of the Additional District and Special Judge for trial of cases under EC Act, Coimbatore.

For Petitioner : Mr.M.Rajasekar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.08.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act in connection with C.C.No.22 of 2020 on the file of the Additional District and Special Judge for trial of cases under EC Act, Coimbatore in Crime No.135 of 2017, on the file of the respondent police seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is second accused in C.C.No.22 of 2020 on the file of the Additional District and Special Judge for trial of cases under EC Act, Coimbatore in Cr.No.135 of 2017 for the offences under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act. He was regularly appearing before the Court, but the first accused was not appearing. He was absent on 12.05.2023 and therefore NBW was issued against him. He was arrested on NBW on 03.08.2023. He is prepared to appear before the trial Court regularly. Thus, he seeks bail.



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3.The learned Additional Public Prosecutor opposed this petition on the ground that petitioner has one previous case pending.

4.Considered the rival submissions and perused the records.

5.Considering the submission of learned counsel for petitioner that petitioner was almost regular in attending the Court and that trial could not be proceeded for the reason that first accused was not appearing and the submission that petitioner would be regular hereafter in attending the case hearing and that he is in judicial custody from 03.08.2023, 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 Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore**, and on further conditions that :-



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[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 concerned Court on all working days at 10.00.a.m., until further orders and on the date of hearings without fail.

[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/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore.
- 2.The Inspector of Police,
Gomangalam Police Station,
Coimbatore District.
- 3.Central Jail,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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