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Crl.O.P.No.20230 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

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

Crl.O.P.No.20230 of 2023

Vignesh

...Petitioner

Vs.

State Rep by Sub Inspector of Police,
Nallur Police Station, Tiruppur City,
(Cr.No.563 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Cr.No.563 of 2023 on the file of the respondent Police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.07.2023 for the offences punishable under Section 8 (c), 20 (b) (ii) (B) of NDPS Act in Cr.No.563 of 2023 on the file of the respondent



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Police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner is falsely implicated as accused in Cr.No.563 of 2023 for the offences under Section 8 (c), 20 (b) (ii) (B) of NDPS Act. He is in judicial custody from 04.07.2023. Thus, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that on 04.07.2023, at about 04.30 a.m., on secret information, defacto-complainant along with Police party mounted surveillance near NP Nagar Junction, Serangadu Road, Tiruppur. They found accused i)Riyan @ Riyaz, ii)Moorthy and iii)Ravikumar under suspicious circumstances. After following necessary procedure, a search was conducted and Ganja weighing 2kg from accused Riyan @ Riyaz, 1.250kg of Ganja from accused Moorthy and 1.250kg of Ganja from accused Ravikumar were recovered. Petitioner is the fourth accused who financed for procurement of Ganja. Thus, he strongly opposed this petition.

4.Considered the rival submissions and perused the records.



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5.It is seen from the statements made that petitioner is implicated in this case on the basis of confessional statement of co-accused. There is no recovery of contraband from the petitioner. Petitioner is in judicial custody from 04.07.2023. The material part of investigation might have been completed by this time. Thus, this Court is inclined to grant bail to the petitioner with conditions.

6.Accordingly, 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 Additional District and Special Court for Trial Cases under Act, 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 daily at 10.00 a.m., until further orders.

[c] the petitioner shall not abscond either during



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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 and Special
Court for Trial cases under Act,
Coimbatore.
- 2.Central Prison,
Coimbatore.
- 3.The Sub Inspector of Police,
Nallur Police Station, Tiruppur City,
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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