



Crl.O.P.No.21835 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

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Jothi Mani

...Petitioner

Vs.

The Inspector of Police,
Karumathampatti Police Station,
Coimbatore District.
(Cr.No.354/2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Cr.No.354 of 2023 pending investigation on the file of the respondent police.

For petitioner : Mr.Thiyagarajan.B

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.08.2023 for the offence punishable under Sections 8(c) r/w



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20(b)(ii)(B) of the Narcotic Drugs & Psychotropic Substances Act 1985 and U/s 4(1)(a), 4(1-A) of the Tamilnadu Prohibition Act in Crime No.354 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that petitioner is falsely implicated in this case, in Crime No.354 of 2023 for the offence under Sections 8(c) r/w 20(b)(ii)(B) of the Narcotic Drugs & Psychotropic Substances Act 1985 and U/s 4(1)(a), 4(1-A) of the Tamilnadu Prohibition Act. The petitioner is in judicial custody from 16.08.2023. Thus, he seeks bail.

3. In response, the learned Additional Public Prosecutor submitted that, the *de-facto* complainant has received a secret information on 16.08.2023 that a man and woman are selling liquor near Crystal Company, Pathuvampalli. Thus he mounted surveillance along with the police party. At about 12.20 p.m., they found a man and woman near the company. On seeing them, they tried to escape. They were apprehended. One Arumugam and Jothimani were caught. After following necessary procedures, a search was conducted. During the search, 1.100 Kg of ganja was recovered from the possession of Arumugam. Accused



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Jothimani was found in possession of 90 bottles, each containing 180 ml of Monitor Delux Brandy. The ganja and liquor bottles have been seized. The petitioner has no previous case pending.

4. Considering the fact that ganja and liquor bottles have been seized and the petitioner is a woman and that she is in judicial custody from 16.08.2023 and that material part of the investigation is over, this Court is inclined to grant bail to the petitioner with conditions.

5. Accordingly, the petitioner is ordered to be released on bail on her 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 Judge/Presiding Officer, Special Court for essential 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 without prejudice to his defence shall deposit a non-refundable sum of **Rs.10,000/-**, by way of Demand Draft to the Chief



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Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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Court himself as laid down by the Hon'ble Supreme Court
in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

22.09.2023

mpl



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G.CHANDRASEKHARAN, J.

mpl

To

1. The Additional District Judge/Presiding Officer,
Special Court for essential commodities Act cases,
Coimbatore.
2. The Inspector of Police,
Karumathampatti Police Station,
Coimbatore District.
3. District-Jail,
Coimbatore.
4. The Public Prosecutor,
High court of Madras.

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