



Crl.O.P.No.22090 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

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

Crl.O.P.No.22090 of 2023

Ram Murugan @ Ramar

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
PEW, Gobi Police Station,
Erode District.
Crime No.564 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.564 of 2023 on the file of the respondent.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.07.2023 for the offences punishable under Sections 8(b) r/w 20(a)(i) and 8(c) r/w 20(b)(ii)(A) of the NDPS Act in Crime No.564 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner that petitioner is falsely implicated as accused in Crime No.564 of 2023 for the offences under Sections 8(b) r/w 20(a)(i) and 8(c) r/w 20(b)(ii)(A) of the NDPS Act. Petitioner is in judicial custody from 29.07.2023. Thus, he seeks bail.

3. In response, the learned Additional Public Prosecutor submitted that, on 29.07.2023, on the basis of secret information that one person is selling ganja near Kongarpalayam, 'A' palayam, Vinoba nagar road, defacto complainant along with Police party mounted surveillance in that area. At about 10.30 a.m., he found accused Ram Murugan @ Ramar in a suspicious circumstance. He was informed about the secret information



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and offered him to be taken before the learned Judicial Magistrate or Gazetted officer. However, accused preferred the defacto complainant to search him. After following necessary procedure, a search was conducted on him and he found 500 grams of ganja in a cloth bag possessed by him. On the basis of his confessional statement, they visited his house and found 12 ganja plants behind his house. Petitioner had cultivated these ganja plants. It is the further submission of the learned Additional Public Prosecutor that, weight of the ganja leaves from these plants come around 200 grams.

4. Considered the submissions and perused the records.

5. It is seen from the first information report allegations that, 500 grams of ganja and 12 ganja plants, which yielded 200 grams of ganja were seized. This is the 1st case registered against the petitioner under NDPS Act.

5.1.Considering the fact that, ganja had been recovered in this



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case, and that, this is the 1st case registered against the petitioner under NDPS Act and that he is in judicial custody from 29.07.2023 and that material part of investigation might have been completed by this time, 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 **Special Court under EC & NDPS 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 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,



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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 at 10.00 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 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.



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G.CHANDRASEKHARAN. J.

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To

1.The Special Court under EC & NDPS Act Cases, Coimbatore

2.Central Prison,
Coimbatore.

3.The Inspector of Police,
PEW, Gobi Police Station,
Erode District.

4.The Public Prosecutor,
High Court of Madras.

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