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Crl.OP.No.23015 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.23015 of 2023

Shyamal Das

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
NIB CID
Coimbatore .
(Crime No.35 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner on bail pending investigation in Crime

No.35 of 2023 on the file of the Inspector of Police, NIBCID, Coimbatore.

For Petitioner : Mr.P.Thinesh

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.08.2023 for the offence punishable under Section 8(b) & 20(b)(ii)(B) of NDPS Act, in Crime No.35 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 5 kgs of Ganja, which is intermediate quantity.

3.It is stated on behalf of the respondent that the petitioner is the native of West Bengal and there is every possibility of him absconding.

4.Taking into consideration all the facts and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of which, one should be the blood surety and another surety should be the local surety) 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



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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 police everyday twice at 10.30 a.m and 5.30 p.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.

17.10.2023

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C.V.KARTHIKEYAN, J.

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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,
NIB CID, Coimbatore.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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