



CrI.OP.No.23064 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM

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

CrI.OP.No.23064 of 2023

Gowtham @ Ondrai Gowtham

...Petitioner

Vs.

The State represented by
The Inspector of Police,
C4, Rathinapuri Police Station,
Coimbatore District.
Crime No.416 of 2022.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.416 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.06.2023 for the offence punishable under Sections 272, 273, 328 IPC and Sections 8(c), 20(b)(ii)(C) & 25 of NDPS Act in Crime No.416 of 2022 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner stated that petitioner is innocent and he has been falsely implicated in this case. Thus, he seeks for grant of bail to the petitioner.

3. The learned Government Advocate (Criminal side) stated that, the petitioner had been remanded to custody on 13.06.2023. It is stated that, from the 1st accused, 20.500 kgs of ganja chocolates had been seized. On the basis of the confessional statement of the 1st accused, other accused had been arrayed as accused in this case. Though there is no specific seizure from this petitioner, it is stated that petitioner is one of the retail seller. In the counter affidavit, it is stated that, there are several cases pending against the petitioner, out of them, two cases are similar in



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nature. Thus, he prays for dismissal of this petition.

4. Taking the facts into consideration that, though there are previous cases against other accused, they had been released on bail, 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 their 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 Judicial Magistrate No.II, 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 police daily at 10.00 a.m., until further orders.

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



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[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 Judicial Magistrate No-II, Coimbatore.
- 2.Central Prison, Coimbatore.
- 3.The Inspector of Police,
C4, Rathinapuri Police Station,
Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras



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C.V.KARTHIKEYAN. J.

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