



Crl.O.P.No.23776 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

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

Crl.O.P.No.23776 of 2023

Mohammed Rasik S/o. Hakeem

... Petitioner/Accused-2

Vs.

State by
The Inspector of Police,
Ramanathapuram Police Station,
Coimbatore District.

(Crime No.477 of 2022)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail concerned in C.C.No.35 of 2023 on the file of the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.

For Petitioner : Mr.G.Jaisivaramaraj

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



Crl.O.P.No.23776 of 2023

WEB COPY

ORDER

The petitioner is A3 in C.C.No.35 of 2023, now pending before the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, seeks bail. Originally Crime No.477 of 2022 had been registered by the respondent police for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) & 25 of NDPS Act, 1985. The petitioner had been remanded to judicial custody on 20.10.2022.

2.It is the case of the prosecution that on 19.10.2022, when the present petitioner/A2 and A3 were going by a bike, another bike came at that particular place, which was driven by A1, who handed over a bag containing 21 ½ kgs of ganja to A2 and A3. However, A1, A3 and A6 had been granted bail.

3.It is also stated that as against A4, who is still absconding, the said Calender Case had been split up. Trial therefore can proceed as against the accused, who are present.



Crl.O.P.No.23776 of 2023

4.Taking into consideration the fact that since the same overt act as against the other accused/A3 had been released on bail, I am inclined to grant bail to the petitioner subject to the following 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, each for a like sum to the satisfaction of the 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 shall report before the Trial Court everyday at 10.30 a.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



Crl.O.P.No.23776 of 2023

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.

09.11.2023

ata

To

- 1.The Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.
- 2.Central Jail, Coimbatore.
- 3.The Inspector of Police,
Ramanathapuram Police Station,
Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.



WEB COPY



Crl.O.P.No.23776 of 2023

ata

Crl.O.P.No.23776 of 2023

09.11.2023