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Crl.OP.No.24689 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

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

Crl.OP.No.24689 of 2023

P.Bhaskar S/o. Pauldurai

... Petitioner/Accused

Vs.

State by
The Sub-inspector of Police,
B-2, R.S Puram Police Station,
Coimbatore.

(Crime No.322 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail concerned in Crime No.322 of
2023 pending on the file of the respondent police.

For Petitioner : Mr.N.Ganeshmurthy

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



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ORDER

The petitioner seeks bail in Crime No.322 of 2023, registered by the respondent police for the offences punishable under Section 328 of IPC r/w Sections 8(C) & 22(a) of NDPS Act.

2. The petitioner had been taken into judicial custody on 20.08.2023 for the alleged possession of 10 numbers of NITCLAM-10, 100 ml IP, NITRAZEPAM IP-10 and PHENERGAN VIAL, PENTOZON VIAL 2 ml.

3. It is stated that the said contraband was psychotropic drug but on the side of the respondent, it is stated that they are controlled substance.

4. The learned counsel for the petitioner states that the petitioner suffers from epilepsy and he consumes the drug to control epilepsy and he is in judicial custody for a period of more than 53 days.

5. It is stated that there were two previous cases pending against the petitioner herein.

6. It is contended that the petitioner had been acquitted from all the charges.



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7. Taking into consideration the fact that the seized products are controlled substances and intermediate quantity and also the fact that the petitioner suffers from epilepsy and there is possibility of using the tablets for his personal consumption, I am inclined to grant bail to the petitioner subject to the following conditions:

8. 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 learned Judicial Magistrate – I, 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 10.30 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.

30.10.2023

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To

- 1.The Judicial Magistrate-I, Coimbatore.
- 2.Central Prison, Coimbatore.
- 3.The Sub-inspector of Police,
B-2, R.S Puram Police Station,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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