



Crl.O.P.No.26917 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

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

Crl.O.P.No.26917 of 2023

Mujibur Rahman S/o. Musthafa

...Petitioner/Accused-3

Vs.

The State rep. by
The Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore District.

(Crime No.1798 of 2018)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in C.C.No.92 of 2020 on the file of the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore District, on such terms and conditions.

For Petitioner : Mr.C.D.Sugumar

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



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ORDER

The petitioner is A3 in C.C.No.92 of 2020, now pending before the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore District, seeks bail. Originally, Crime No.1798 of 2018 had been registered under Sections 8(C) r/w 20(b)(ii)(C), 25, 27A & 29(1) of NDPS Act.

2. There are totally ten accused in the said Calender Case.

3. It is stated that the said Calender Case was listed on 08.05.2023 for framing of charges and on that particular date, the petitioner was absent. However, it is stated that an advocate filed a petition under Section 317 of Cr.P.C.

4. The learned District Sessions Judge had dismissed the same and issued Non-bailable warrant and that was executed on 19.06.2023.

5. It is stated that now the matter is posted for furnishing of copies.



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6.Taking into consideration all these factors, I am inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his 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 Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore District, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report on every Monday, Wednesday and Friday at 10.30 a.m., before the Trial Court till completion of trial, apart from the Court hearing dates.

[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



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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.

28.11.2023

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To

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

C.V.KARTHIKEYAN. J.



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