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CrI.O.P.No.27737 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

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

CrI.OP.No.27737 of 2023

Thomas Gomango

...Petitioner

Vs.

State rep.by
The Inspector of Police,
Coimbatore Police Station,
NIB - CID,
Coimbatore District.
Crime No.45 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.45 of 2023 on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan
For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI.Side)

ORDER

The petitioner in Crime No.45 of 2023 registered by the respondent Police for the offences under Sections 8 (c) r/w 20 (b)(ii)(B) NDPS Act and remanded to judicial custody on 28.10.2023 seeks bail.



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2.It is stated that the petitioner was found in possession of 7 Kgs of ganja, which is an intermediate quantity in a train running between Dibrugar – Kanniyakumari Express.

3.The learned counsel for the petitioner stated that the father of the petitioner, Lajar Gamango would stand as a surety to ensure that the petitioner does not abscond from the judicial process. He has also filed an affidavit. Incidentally, the brother of the petitioner, Rupa Gamango has also filed an affidavit expressing his willingness to stand as a surety for the petitioner herein. Either one of the two individuals to be one surety and the other surety should be a local surety.

4.Taking all the factors into consideration and the period of incarceration, this Court is 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 (**out of which one must be a blood**



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surety and the other should be a local surety) 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 respondent Police, daily at 10.00 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 and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid



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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.

sli

18.12.2023

To

1.The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore.

2.The Inspector of Police,
Coimbatore Police Station,
NIB - CID,
Coimbatore District.
Crime No.45 of 2023.

3.Central Prison, Coimbatore.

4.The Public Prosecutor, Madras High Court.

C.V.KARTHIKEYAN, J.



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