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CrI.O.P.No.28379 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

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

CrI.OP.No.28379 of 2023

Sumanta Muduli

...Petitioner

Vs.

State rep.by
The Inspector of Police,
Coimbatore Police Station,
NIB – CID,
Coimbatore District.
(Cr.No.49 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.49 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 seeks bail in Crime No.49 of 2023 registered under Sections 8 (c) r/w 20 (b)(ii)(B) NDPS Act.



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2.The petitioner had been remanded to judicial custody on 24.11.2023 with possession of 2 Kgs of ganja, which is an intermediate quantity.

3.The learned counsel for the petitioner had filed two separate memo, whereby, the two brothers of the petitioner herein had undertaken to stand as a surety. The learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, may examine the veracity and the identity of the two individuals, who are prepared to stand as sureties and who claim to be the brothers of the petitioner herein. If they are genuine, take one of them as one surety and the other must be a local surety.

4. Taking into consideration the period of incarceration and all the other surrounding factors, this Court is inclined to grant bail to the petitioner.

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 surety must be a blood surety and the other must be a local surety**) each for a like sum to



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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 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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21.12.2023



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C.V.KARTHIKEYAN, J.

sli

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.
(Cr.No.49 of 2023).
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor, Madras High Court.

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