



Crl.O.P.No.2190 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

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

Crl.O.P.No.2190 of 2024

Rupesh Mahat

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Karumathampatti Police Station,
Coimbatore District.
Crime No.635 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.635 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 26.12.2023 for the offences registered under Sections 8(c) and



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20(b)(ii)(B) of NDPS Act, in Crime No.635 of 2023, on the file of the respondent Police, seeks bail.

2.It is the case of the prosecution that the petitioner was found in possession of 4 kgs of Ganja, which is an intermediate quantity.

3.The learned Government Advocate (crl.side) raised objections stating that the petitioner is a resident of Odisha and there is every possibility of him absconding.

4.A memo has been filed by the petitioner stating that the wife of the petitioner and mother of the petitioner are both prepared to stand surety for the petitioner herein.

5.Taking all other factors into consideration and considering the period of incarceration and also of the fact that the quantity of contraband seized which is an intermediate quantity, I am inclined to grant bail to the petitioners subject to the following conditions:

6.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 should be the blood surety of the petitioner and another should be the local surety of the petitioner) each for a like sum to the satisfaction of the learned Additional District Judge/



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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, 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 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.

08.02.2024

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C.V.KARTHIKEYAN,J.

Vkr

To

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

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