



Crl.O.P.Nos.3640 & 3858 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

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

Crl.OP.Nos.3640 & 3858 of 2024

Santhosh

...Petitioner in Crl.O.P.No.3640 of 2024

1.Nandhakumar @ Paravai Nandha

2.Shanmugakrishnan @ Vikki Vedha

...Petitioners in Crl.O.P.No.3858 of 2024

Vs.

State rep. by

The Inspector of Police,
C4, Rathinapuri Police Station,
Coimbatore District.
(Crime No.416 of 2022)

...Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions are filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in FIR in Crime No.416 of 2022 on the file of the respondent police.

For Petitioner

in Crl.O.P.No.3640/2024 : Mr.W.Camyles Gandhi

For Petitioners

in Crl.O.P.No.3858/2024 : Mr.S.N.Arunkumar

For Respondent : Mr.R.Kishore Kumar

in both Crl.O.Ps Government Advocate (Crl.Side)



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COMMON ORDER

The 6th accused has filed Crl.O.P.No.3640 of 2024 and the 3rd and 7th accused have filed Crl.O.P.No.3858 of 2024, both in Crime No.416 of 2022, registered by the respondent for the offences under Sections 272, 273, 328 of IPC and Sections 8(c), 20(b)(ii)(C) and 25 of NDPS Act, seek bail. They were remanded to judicial custody on 02.01.2024 and 05.01.2024 respectively.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

3.The FIR had been registered on 30.07.2022. It is the case of the prosecution that A1 is the supplier of Ganja and all the other accused are prospective purchasers. Similarly placed accused, who are termed as prospective purchasers had been granted bail by my learned Predecessor. The petitioners were remanded to judicial custody on 02.01.2024 and 05.01.2024 respectively. A1 had also been granted bail by an order of the learned Single Judge, in Crl.O.P.No.2968 of 2023, dated 15.02.2023.

4. In view of all these facts and taking into consideration the period of incarceration and the further fact that no recovery of ganja from these



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petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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 Judicial Magistrate No.II, Coimbatore and the Judicial Magistrate No.IV, Coimbatore respectively 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 petitioners shall report before the respondent police everyday at 10.00 a.m. until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

29.02.2024

vkr

To

- 1.The Judicial Magistrate No.II, Coimbatore.
- 2.The Judicial Magistrate No.IV, Coimbatore.
- 3.The Inspector of Police,
Rathinapuri Police Station,
Coimbatore District.
- 4.Central Prison, Coimbatore.
- 5.The Public Prosecutor, Madras High Court.

C.V.KARTHIKEYAN, J.



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vkf

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