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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM

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

CrI.O.P.No.15024 of 2024

Sekar

...Petitioner/A2

Vs.

State represented by
The Inspector of Police,
PEW – Dharapuram Police Station,
Tiruppur District.
(Crime No.499 of 2023)
...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in C.C.No.73 of 2023 in Crime No.499 of 2023 on the file of the Special Court for Essential Commodities Act Cases, Coimbatore District.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.V.J.Priyadarsana,



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Govt. Advocate (Crl. Side)

ORDER

The petitioner / A2 seeks bail in C.C.No.73 of 2023 on the file of the Special Court for Essential Commodities Act Cases, Coimbatore District.

2.Originally, the petitioner was arrested and remanded to judicial custody on 23.04.2023 for the offences punishable under Section 8(C) r/w. Sections 20(b)(ii)(C) and 25 of Narcotic Drugs & Psychotropic Substances Act, 1985 and subsequently altered to Sections 8(C), 20(b)(ii)(C), 25 and 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.499 of 2023.

3.It is the case of the prosecution that the petitioner and his son/A1 were having the habit of going over to Andhra Pradesh to procure Ganja in their own lorry and store it in their house and later, sell it in retail in the surrounding places. The respondent had secured A1 when he was travelling in a Tata Indigo Car along with 45 kgs of Ganja. He had given a confession that Ganja is also stored in his house. The petitioner was in the house and from the house, in the presence of the petitioner, 6 Kgs of



Ganja had been seized.

4.The earlier petition seeking bail was dismissed on 13.02.2024 in CrI.O.P.No.28703 of 2023, wherein it had been stated that the petitioner had actually stored 51.100 kgs of Ganja and that A1 had taken 45.100 kgs of Ganja and that the remaining was recovered from the house of the petitioner. But however, one factor is that A3 who was found in possession of 15 kgs of Ganja was granted bail by a learned Single Judge of this Court in CrI.O.P.No.15308 of 2024 by order dated 03.07.2024.

5.Taking that factor into consideration and also the period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner 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, each for a like sum to the satisfaction of the learned Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore District, 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 appear before the trial Court on every Tuesday at 10.30 a.m., apart from the Court hearing dates, till completion of the trial.

[c] the petitioner shall also report before the respondent police on every Sunday at 10.30 a.m., for a period of three months.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

22.07.2024

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To

1. The Additional District Judge,
Special Court for Essential Commodities Act Cases,
Coimbatore District.
2. The Central Prison, Coimbatore.
3. The The Inspector of Police,
PEW – Dharapuram Police Station,
Tiruppur District.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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Crl.O.P.No.15024 of 2024

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