



Crl.O.P.No.12041 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

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THE HON'BLE MR. JUSTICE R.SAKTHIVEL

Crl.O.P.No.12041 of 2024

Shahil
S/o.Saleem

..Petitioner/sole Accused

Vs.

Inspector of Police,
Sundarapuram Police Station
Coimbatore
(Crime No.90 of 2024)

...Respondent/Complainant

PRAYER: The Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 praying to grant bail to the petitioner in Crime No.90 of 2024 on the file of the Inspector of Police, Sundarapuram Police Station, Coimbatore

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.C.E.Prathap
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner on 13.05.2024 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.



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2. The petitioner/sole accused was arrested and remanded to judicial custody on 01.04.2024 for the alleged offences punishable under Sections 8(c) r/w.22(b) and 25 of NDPS Act in Crime No.90 of 2024 dated 31.03.2024 on the file of the respondent-police.

3.The case of the prosecution is that on 31.03.2024 the respondent received secret information about selling of Methamphetamine near Annai Apartments, Madukarai Road. Hence, the case.

4.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 01.04.2024. He, therefore, prayed to grant bail to the petitioner.

5.The learned Government Advocate (Criminal side) appearing for the respondent police submitted that the petitioner was found to be in



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possession of 9.4gms of Methampethamine. He further submitted that the petitioner has no previous case. He further submitted that investigation is not yet completed and at this stage of investigation, if bail is granted to the petitioner, he will tamper the witness. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard both sides and perused the materials available on record.

7. The petitioner is a first offender and he has no previous case. He has permanent residence and deep roots in the society. Hence, there is less possibility for absconding. Considering the above reasons, the period of incarceration and also with a view to give him an opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) and furnish two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction



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of the learned **Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.**

(ii) The petitioner shall appear and sign before the respondent police daily at 10.30 a.m., until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Special Court shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall not, directly or indirectly, cause any threat to the witnesses; and

(v) On breach of any of the aforementioned conditions, the learned Special Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].



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8. Accordingly, this Criminal Original Petition is allowed subject

to the conditions stated supra.

16.05.2024

Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

1.The Inspector of Police,
Sundarapuram Police Station
Coimbatore.

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

3. The Superintendent, Central Prison, Coimbatore.

4.The Public Prosecutor, High Court of Madras.



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R.SAKTHIVEL. J.

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