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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.15543 of 2024

Dinesh

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Uthukuli Police Station,
Tiruppur District.
Crime No. 302 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Spl.S.C No. 170 of 2022 pending
on the file of the Additional District Judge/Presiding Officer, Special Court
for Essential Commodities Act Cases, Coimbatore District.

For Petitioner : Mr.C.D.Sugumar
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **05.09.2022** for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(c), 29(1) and 25 of NDPS Act **in crime No. 302 of 2022** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused persons along with the illegal possession of 21.300 kgs of Ganja. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as if he possessed the contraband and he is ranked as A3. Further he stated that final report was taken on file and also L.w.1 was examined and also he stated that the petitioner has been languishing in jail for more than 1 1/2 years. On the other side, the learned Government Advocate (Crl. side) admits that final report was taken on file. However, he stated that the petitioner is having 1 previous case in Andhra Pradesh.



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4. Considering the period of incarceration undergone by the petitioner and investigation has been completed and also prime witness was examined. Hence, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned 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 on every Tuesday and Sunday at **10.30 a.m., till completion of Trial.**



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

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

2. The Inspector of Police
Uthukuli Police Station,
Tiruppur District.

3. The Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 15543 of 2024

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