



Crl.O.P.No.12368 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12368 of 2024

Rajesh Kumar Sethi

.. Petitioner

Vs.

State represented by,
The Inspector of Police,
PEW Periyanaicken Palayam,
Coimbatore.
Crime No.412 of 2024

.. Respondent

PRAYER : Criminal Original Petition is filed under Section 439 of Cr.P.C.
pleaded to enlarge the petitioner on bail in Crime No.412 of 2024 pending
on the file of the respondent Police.

For Petitioner : Mr.T.Balaji
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)



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ORDER

The petitioner was arrested and remanded to judicial custody on 21.04.2024 for the offences punishable under Sections 8(c), 20(b)(ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.412 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner who is a resident of Orissa was found in possession of 12.400 grams of Ganja Chocolate. Hence, the case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 21.04.2024. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl side) for the respondent would submit that the petitioner was found in possession of 12.400 grams of Ganja Chocolate. Further, he would however submit that there is no previous case against the petitioner. Hence, he would however vehemently oppose the prayer for grant of bail.



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5. It is seen that there is no history of previous involvement of the petitioner in similar crimes. The petitioner appears to be a daily wage earner, who has come to Coimbatore for search of job and has allegedly resorted to peddle in NDPS products.

6. Considering the fact that the petitioner is a daily wage earner and also considering the fact that the petitioner is not involved in any previous crime of similar nature and considering the period of incarceration undergone by the petitioner, Court is inclined to grant bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only), to the credit of the Crime No.412 of 2024** and on such deposit 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, out of which, one surety must be a blood surety or close relative to ensure that the petitioner will co-operate with the respondent and participate in the prosecution, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Coimbatore and on further conditions that :-



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[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 **deposit a sum of Rs.10,000/-(Rupees Ten Thousand only), to the credit of the Crime No.412 of 2024** and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] **the petitioner shall report before the respondent police daily at 10.30 a.m. until further order.**

[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.

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To

1. The Judicial Magistrate No.II, Coimbatore.
2. The Inspector of Police,
PEW Periyanaicken Palayam,
Coimbatore.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras



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C.SARAVANAN, J.

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