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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM

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

Crl.O.P.No.13457 of 2024

Gowtham @ Kamarajpuram Gowtham

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Saravanampatti Police Station,
Coimbatore District.
Crime No. 245 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in the case pending investigation in
crime No. 245 of 2024, on the file of the respondent police.

For Petitioner : Mr.R.Thamarai Selvan
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 **25.04.2024** for the alleged offences punishable under Sections **8 (c) r/w 20 (b)(ii)(B) of NDPS Act, in crime No. 245 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the petitioner with illegal possession of 1.200 kilograms of Ganja. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that the petitioner is having 17 previous cases. Hence, he raised objection to grant bail.

5. Considering the facts of the case, the contraband seized from the petitioner is intermediate quantity and also he availed with bail in other cases. Further, the investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner.



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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 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 daily at 10.30 a.m., and 5.30 p.m., until further orders;

[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 **Special Court for Essential Commodities Act Cases, Coimbatore.**

2. The Inspector of Police
Saravanampatti Police Station,
Coimbatore District.

3. The Sub jail, Coimbatore.

4. The Public Prosecutor,
High Court of Madras.

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