



WEB COPY



CRL O.P. No.24595 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.24595 of 2024

Sibiharish

... Petitioner / Accused-11

Vs

State rep. by
The Inspector of Police,
Vellode Police Station,
Erode District.

(Crime No.87 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.87 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)



CRL O.P. No.24595 of 2024

ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 21.07.2024, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 25 of NDPS Act, in Crime No.87 of 2024, on the file of the respondent seeks bail.

2.It is the case of the prosecution that on 29.05.2024, based on a secret information, the respondent police went to the scene of occurrence and found the petitioner along with the other accused, in possession of 150 kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that only based on the confession statement of the co-accused, the petitioner has been implicated in this case. He would further submit that co-accused in this case was released on bail and there is no recovery from the petitioner herein. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



WEB COPY

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with the other accused were found in possession of 150 kgs of ganja. He would further submit that no recovery from the petitioner and co-accused in this case was released on bail by this Court. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences and this petitioner was arrayed as an accused only based on the confession statement of the co-accused, the contraband was recovered from the co-accused and no recovery was made from the petitioner and also taking into consideration the number of days of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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



CRL O.P. No.24595 of 2024

of the **Additional District/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore**, and on further conditions that;

[b] the Petitioner shall report before the Special Court for Essential Commodities Act Cases, Coimbatore, on all working days at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

03.10.2024

ata



CRL O.P. No.24595 of 2024

To

WEB COPY

- 1.The Additional District/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.
- 2.Central Prison, Coimbatore.
- 3.The Inspector of Police,
Vellode Police Station,
Erode District.
- 4.The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.24595 of 2024

P.DHANABAL,J.
ata

CRL.OP.No.24595 of 2024

03.10.2024