



WEB COPY



CRL O.P. No.26001 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.26001 of 2024

Malairaj

... Petitioner / A6

Vs

State rep. by
The Inspector of Police,
Kavundaampalayam Police Station,
Coimbatore.
(Crime No.216 of 2024)

... Respondent

PRAAYER: - 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.216 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Shankara Subhu

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



20 kgs of Ganja was recovered from the other accused and no contraband was recovered from this petitioner and only a mobile phone was from him. He would further submit that there is no previous case pending as against the petitioner and only based on the confession statement of co-accused, this petitioner was arrayed as accused in this case. 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 offence, no recovery was made from this petitioner and this petitioner was arrayed as accused only based on the confession statement of co-accused and no previous case is pending against the petitioner and already bail was granted to some of the co-accused and also considering the period of incarceration undergone by the petitioner, 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



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of the Judicial Magistrate Coimbatore First Court, and on further conditions that;

[b] the Petitioner shall report before the concerned NDPS Court 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.

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smv



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To

- 1.The Judicial Magistrate (First Court), Coimbatore.
- 2.Central Prison, Coimbatore.
- 3.The Inspector of Police,
Kavundaampalayam Police Station,
Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.

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