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Crl.O.P.No.28668 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28668 of 2024

Chinnarasu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Peelamedu Police Station,
Coimbatore
Crime.No.863 of 2022).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
Crime No.863 of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Ganesh Pandian

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.863 of 2022 registered for
the offences punishable under Sections 8(c), read with Sections 20(b)(ii)(C), 25
and 29(1) of NDPS Act, 1985



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2. The incarceration of the petitioner being from 29.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that, petitioner has been falsely implicated based on the confession statement recorded from the main accused under Section 67 of NDPS Act, other than that, there is no other material to implicate the petitioner in this case. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on 17.09.2022, based on the secret information, respondent police intercepted a Honda City Car bearing Reg.No.TN 07 P 2277 and on search, the accused persons were found in possession of 94 kgs of ganja and the respondent after completion of investigation has filed final report and a case in Crime No.863 of 2022 was registered and during the investigation, arrested accused confessed that the petitioner /A2 along with A3 had purchased ganja from Andhra Pradesh and handed over to the other accused. He further submitted that, respondent police after completing the investigation had filed final report in C.C.No.21 of 2024 on the file of the Additional District Judge/Presiding Officer, Special Court



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for Essential Commodities Act Cases, Coimbatore showing the petitioner and A3 as absconding accused, based on which, NBW was issued on 28.03.2023 and the petitioner was later arrested on 29.10.2024,

4. In reply, the learned counsel for the petitioner submitted that, as the owner of the vehicle, petitioner had contacted his driver, except that, there is no other material to show that the petitioner had the knowledge of the illegal transportation of ganja by the other accused, who is the driver of the vehicle.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and taking note of the nature of allegation and that no previous case has been reported against the petitioner and that the petitioner has satisfied the conditions contemplated under Section 37 of NDPS Act , this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, 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:



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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 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 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

02.12.2024

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To



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1. Special Court for Essential Commodities Act Cases, Coimbatore
2. The Inspector of Police,
Peelamedu Police Station,
Coimbatore
.
3. The Superintendent,
Central Prison, Coimbatore
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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