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Crl.O.P. No. 28770 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

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

Crl.O.P.No.28770 of 2024

Kavitha

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore District.
(Crime No. 394 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No. 394 of 2024 on the file of the respondent Police.

For Petitioner : Mr.W. Camyles Gandhi

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who



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was arrested and remanded to judicial custody 18.10.2024, seeking bail in Crime No. 394 of 2024 registered for offences under Sections 8(c) r/w 20(b)(ii)(B), 22(b), 25 and 29(1) of NDPS Act, 1985.

2.The case of the prosecution is that on 18.10.2024, at about 7.15hrs, on receipt of secret information, the respondent Police conducted a routine check up nearby Kovaipudur Mahalakshmi Nagar, Kalaignar Park. At that time, the petitioner and other accused persons, totally five in number, on seeing the respondent Police, tried to escape from the spot. However, the respondent Police caught hold of the petitioner and other accused persons and on investigation, the petitioner/1st accused was found in possessions of 575 gms of Ganja while the 2nd accused was found in possession of 500 gms of ganja, 50 numbers of Tapentadol 100mg tablets, Tydol 100mg tablets and the 3rd accused was found in possession of 500 gms of ganja. Totally, the accused were found to be in possession of 1.575 kgs of ganja and the entire contraband was seized by the respondent Police. Hence the case

3.Learned Counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this



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case only for statistical purpose. Hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of bail to the petitioner submitted that the petitioner along with other accused was found in possession of 1.500 kilograms of ganja and there is one previous case pending against the petitioner.

5.At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.5,000 /- as non-refundable deposit to any welfare scheme of the Government or to any shelter home. Hence, he prayed for grant of bail to the petitioner.

6.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record including the counter affidavit filed



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by the respondent.

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7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) as non refundable deposit to "**the District Legal Services Authority, Coimbatore District**", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and the submissions made by the learned counsel appearing for the parties, taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.5,000/- (Rupees five**



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thousand only) to “**the District Legal Services Authority, Coimbatore District**”, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 Judicial Magistrate VII, 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 appear before the respondent police daily at 10.30 am., 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



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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 269 B.N.S.

19.11.2024

sai

To

1. The Judicial Magistrate VII,
Coimbatore.
2. The Inspector of Police,
Kuniyamuthur 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.

sai

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