



CRL.O.P.No.29394 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM:

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

CRL.O.P.No.29394 of 2024

Karthi @ Kathikeyan,
S/o.Arumugan

... Petitioner

Versus

State rep. by its
The Inspector of Police,
B1 Bazaar Police Station,
Coimbatore District.
(Crime No.12 of 2018).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Code of Criminal Procedure, to enlarge the petitioner on bail in pending trial in C.C.No.42 of 2018, on the file of the Additional District Judge & Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore in Crime No.12 of 2018 on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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



CRL.O.P.No.29394 of 2024

ORDER

WEB COPY Petition seeking bail in respect of C.C.No.42 of 2018 pending on the file of the Additional District Judge & Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, in connection with Crime No.12 of 2018 registered for the offences punishable under Section 8(c) r/w Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act is on board for consideration.

2.Learned counsel for the petitioner submits that the petitioner is an accused facing trial in C.C.No.42 of 2018 pending on the file of the Additional District Judge & Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore. He further submits that the petitioner was not appeared for hearing in this case on 11.07.2023 since he was in judicial custody in another case, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to the same, he was arrested on 27.11.2024 and he is in prison for more than a year. He also undertakes that the petitioner will appear before the trial Court on all hearing dates without fail and he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.



CRL.O.P.No.29394 of 2024

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3.Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail, submits that the petitioner, who is facing trial in C.C.No.42 of 2018 before the Additional District Judge & Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, has failed to appear before the trial Court on 11.07.2023, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him and the same was executed on 27.11.2023. He also submits that the petitioner has seven previous cases pending against him, out of which, three cases are under the NDPS Act, therefore if the petitioner is enlarged on bail, there is every possibility of him again absconding and not available for trial proceedings. He further submits that the case now stands posted for examination of LW1 to LW3 on 27.11.2024.

4.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 also considering the



CRL.O.P.No.29394 of 2024

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period of incarceration undergone by the petitioner, 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:

[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 learned Additional District Judge & Presiding Officer, 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 during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions,



CRL.O.P.No.29394 of 2024

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.

28.11.2024

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A.D.JAGADISH CHANDIRA, J.



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CRL.O.P.No.29394 of 2024

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To

- 1.The Additional District Judge & Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore.
- 2.The Inspector of Police,
B1 Bazaar Police Station,
Coimbatore District.
- 3.The Superintendent,
Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.29394 of 2024

28.11.2024