



Crl.O.P.No.28706 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.28706 of 2023

Nirupan Sakaravarthi

... Petitioner

Vs.

State By,Inspector of Police,
Chithodu PS.Cr.No.271 of 2023
Erode District Now transferred to

State by, Inspector of Police
NIB/CID PS, Coimbatore
(Crime No.44 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.44 of 2023 on the file of
the respondent.

For Petitioner : M/s. T. Shanmuga Boopathy

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/A2 in Crime No.44 of 2023 originally registered by the Chithodu Police Station in Cr.No.271 of 2023 and later transferred to NIB/CID Police Station, Coimbatore and re-registered in Crime No.44 of 2023 and remanded to judicial custody on 31.07.2023, for the offences under Sections 8(c) r/w 20(b) (ii)(C), 25 of NDPS Act and 7,24(1)of COTPA Act , seeks bail.

2. It is stated that A1 was arrested with possession of 240 kgs of Ganja Chocolate and 501 kg banned tobacco products. On the basis of confession of A1, further investigation was done and this petitioner/ A2 was arrested with possession of 5.100 kgs of Ganja Chocolate.

3. The learned counsel for the petitioner stated that from this petitioner only 5.100 kgs of Ganja Chocolate was recovered which is of non- commercial quantity and can be termed as intermediate quantity.

4. The learned Government Advocate stated that investigation has



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been completed and charge sheet has been filed and by taking cognizance it was numbered as C.C.No.01 of 2024 by the Special Court for EC and NDPS Act cases, Coimbatore.

5.Taking all these factors into consideration and also considering the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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 of the **learned Additional District Judge, EC Court at 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 concerned Court on all hearing dates. Apart from that the petitioner is directed to appear on every Monday before the Concerned Court till the completion of trial.



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[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 229A IPC.

11.01.2024

smn

To

1.The Additional District Judge, EC Court at Coimbatore.

2.The Inspector of Police,
Chithodu Police Station, Erode District.

3. The Inspector of Police
NIB/CID Police Station, Coimbatore

3.The Central Prison, Coimbatore.

4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN, J.



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