



CrI.O.P.No.28249 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

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

CrI.O.P.No.28249 of 2023

Karthik
S/o. Mani

...Petitioner/Accused No.1

Vs.

The State represented by
The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District.
(Crime No.331 of 2022)

...Respondent / Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in C.C.No.24 of 2023 in Crime No.331 of 2022 on the file of the Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore District..

For Petitioner : Mr .A. Saranraj

For Respondent : Mr. L. Baskaran



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Crl.O.P.No.28249 of 2023

Govt. Advocate (Crl. Side)

ORDER

The petitioner/A1 seeks bail in C.C.No.24 of 2023 now pending trial before the Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore District.

2.Originally, the petitioner was arrested and remanded to judicial custody on 22.08.2022 for the offences punishable under Section 8(C), 20(b)(ii)(C) and Section 25 of NDPS Act, 1985 in Crime No.331 of 2022 on the file of the respondent police.

3.The case of the prosecution is that on secret information about the illegal transportation of Ganja, the respondent police along with his team went to the rental house of the petitioner and on search, the petitioner along with other accused were found in possession of 21 kgs of Ganja and seized the same. Hence, the complaint.



Crl.O.P.No.28249 of 2023

WEB COPY

4.The learned counsel for the petitioner submitted that the petitioner is in judicial custody for more than one year. He further submitted that the petitioner is an innocent person and is no way connected with the case and he has been falsely implicated. He submitted that the co-accused had been granted bail by this Court in Crl.O.P.No.16807 of 2023 dated 03.08.2023.

5.It is stated that charge sheet had been filed and three witnesses had been examined and cross-examined. It is also stated that one of the witness had turned hostile. The learned Trial Judge has now issued summons to the Investigating Officer for examination.

6.Taking all these factors into consideration and also the fact that, one of the witness turned hostile and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner herein subject to the following condition.



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CrI.O.P.No.28249 of 2023

7. 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, Special Court for Essential Commodities Act Cases, Coimbatore District, 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 trial Court on every Monday at 10.30 a.m., till conclusion of trial quite apart from the case hearing dates.

[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



CrI.O.P.No.28249 of 2023

WEB COPY

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.

05.01.2024

smv

To

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



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Crl.O.P.No.28249 of 2023

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.28249 of 2023

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