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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **16.12.2024**

CORAM

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

Crl.O.P.No.31298 of 2024

Abdul Vahid Rizhwan ... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
PEW- Coimbatore City.
(Crime No. 465 of 2024). ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with **Crime No.465 of 2024**, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Vijaya Ragavan

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

O R D E R

Petition seeking bail in respect of **Crime No.465 of 2024** registered for the offences punishable under Sections 8(c), 20(b)(ii)(B), 25 and Section 29(1) of NDPS Act, 1985, is on board for consideration.

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2. The incarceration of the petitioner being from **30.10.2024** pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of **Rs.5,000/-** to any welfare scheme of the Government or any other organization. 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 30.10.2024, based on secret information, the respondent police went to the scene of occurrence and found that the petitioner along with other accused was in illegal possession of 1.668 Kilograms of Ganja. He would further submit that there is no previous case pending against the petitioner.

4. 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)** to the credit of the **"Missionaries of charity (Mentally retarded children), Address- Nirmala Shishu Bhavan, No.26/79, West Madha**

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Church Road, Royapuram, Chennai – 600013, South Indian Bank Limited, George Town Branch, A/C.No. 0042053000009382, IFSC.Code No. SIBL0000042" without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5. Further, having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, 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 **Judicial Magistrate No.6, 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 report before the respondent Police, everyday at 6.30 p.m., until further orders;

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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 269 of B.N.S.

16.12.2024

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To

1. The learned Judicial Magistrate No.6, Coimbatore.

2. The Inspector of Police,
   PEW- Coimbatore City.

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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