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Crl.O.P.No.1293 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2025

CORAM

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.1293 of 2025

Datchanamoorthis

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Peelamedu Police Station,
Coimbatore District.

(Crime No.686 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in the event of his arrest in Crime No.686 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Parthiban

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



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ORDER

The petitioner stands accused in Crime No.686 of 2024 on the file of the file of the respondent for the offences punishable under Sections 8(c) r/w 20(b)(ii)(A), 22(b) of NDPS Act.

2. The case of the prosecution is that the accused were found in possession of 200 grams of Ganja and 38 Tablets of Alprazolam Trika weighing 6.08 grams. Hence this case.

3. The learned counsel for the petitioner would contend that the petitioner is no way connected with the alleged offence and has been falsely implicated in this case only for the statistical purpose. He further submitted that there is no previous case as against him and hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that totally there are three accused in this case and the petitioner herein is A3 and A1 was already granted bail and A2 was detained under Goondas Act. He further



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submitted there is no recovery of contraband from the petitioner and there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offences, considering the fact that there was no recovery of contraband from the petitioner and already A1 was granted bail and there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.II, Coimbatore** on condition that the petitioner shall 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 Magistrate concerned and on further condition that:



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[a] the petitioner shall report before the respondent police daily at 10 a.m. for a period of one month and thereafter as and when required for interrogation.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall not abscond 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S 2023.

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To

1. The Judicial Magistrate Court -II,
Coimbatore.
2. The Inspector of Police,
Peelamedu Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras.



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G.R.SWAMINATHAN., J.

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