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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.3563 of 2025

Anoop

...Petitioner/Accused 3

Vs.

State rep by
The Inspector of Police,
Thadagam Police Station,
Coimbatore District.

(Crime No.147 of 2023)

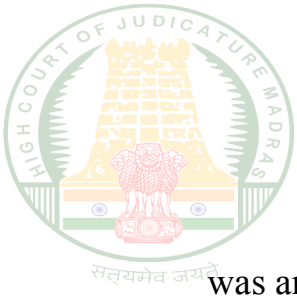
...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.147 of 2023 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)



ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 29.11.2024, seeking bail in Crime No.147 of 2023 registered for the offence under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985.

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2. It is the case of the prosecution that A1 and A2 were found in possession of 20.450 kgs of Ganja when they were intercepted after on secret information; that on the confession of A1 and A2, it was revealed that the contraband was purchased by A3 and A4 from Odisha and Assam and selling to dealers in Kerala. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that A3 has been granted bail by this Court in CrI.O.P.No.32178 of 2024; that there is no previous case against the petitioner and the petitioner has been in custody for more than 70 days and hence, he prays for the grant of bail.



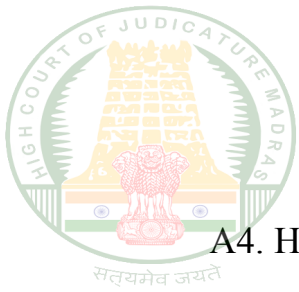
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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband has been seized and no previous case is pending against the petitioner.

5.At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of any welfare scheme of the Government or any other organization.

6.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, including the counter affidavit.

7. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of 'District Legal Services Authority, Coimbatore District', without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



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8. The petitioner/A3 is sought to be implicated on the confession of A4. His role and the material against him is similar to that of A3. There is no recovery from this petitioner and there is no other material connecting the petitioner with other accused except for the confession. Hence, the rigors of Section 37 of NDPS Act would not be applicable to the petitioner. Considering the nature of allegations, the fact that A3 has been granted bail by this Court and no previous case is pending against the petitioner and voluntary submission of the learned counsel for the petitioner and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions:

9. 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 **Additional District Judge/Presiding Officer, Special Court for EC 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 report before the respondent Police,



everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

WEB COPY [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 B.N.S.

25.02.2025

ata/dk

Copy to:

1.The Inspector of Police,
Thadagam Police Station,
Coimbatore District.

2.The Additional District Judge/Presiding Officer,



Special Court for EC Act Cases, Coimbatore.

3. Central Prison, Coimbatore.

WEB COPY 3. The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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