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Cr1.O.P.No.8048 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Cr1.O.P.No.8048 of 2025

Babu @ Black Babu

... Petitioner

Vs.

State, Rep. by,
The Inspector of Police
Mettupalayam Police Station
Coimbatore District
(Crime No.1030 of 2020)

... Respondent

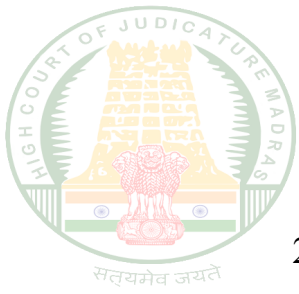
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail pending trial of the case in C.C.No.34 of 2021 on the file of the learned Additional District Judge/Presiding Officer, Special Court for EC Act Cases, Coimbatore (FAC).

For Petitioner : Mr.M.Vijaya Ragavan

For Respondent : Ms.J.R.Archana
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was remanded to judicial custody on 27.01.2025, seeking bail in C.C.No.34 of 2021 on the file of the learned Additional District Judge/Presiding Officer, Special Court for EC Act Cases, Coimbatore (FAC) in Crime No.1030 of 2020 registered for the offence under Sections 8(c) r/w.20(b)(ii)(B) of NDPS Act.

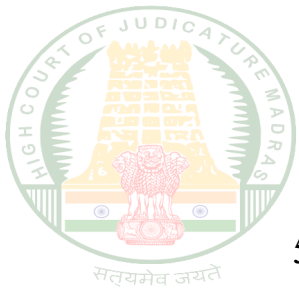


Cr1.O.P.No.8048 of 2025

2.The case of the prosecution is that the petitioner, who is an accused facing trial in C.C.No.34 of 2021 on the file of the learned Additional District Judge/Presiding Officer, Special Court for EC Act Cases, Coimbatore (FAC), did not appear before the said Court for the hearing on 25.04.2024, owing to which, a non bailable warrant was issued against him on the same day and he was remanded to judicial custody on 27.01.2025. The case is now posted for examination of LW1 to LW3.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 27.01.2025 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Cr1.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the case of the prosecution. The learned Government Advocate further submitted that since the case is pending for examination of witnesses, if the petitioner is released on bail, there is every possibility of him absconding again and not available for trial. The learned Government Advocate further submitted that there are twenty six previous cases against the petitioner, in which three are under NDPS Act for possession of intermediate quantity of contraband.



Cr1.O.P.No.8048 of 2025

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Cr1. Side) for the respondent Police and perused the materials available on record.

6. Considering the aforesaid facts, nature of allegations, period of incarceration undergone by the petitioner, the fact that the petitioner was released on bail in all the previous cases and since further custody of the petitioner is not required. this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 Additional District Judge/Presiding Officer, Special Court for EC Act Cases, Coimbatore (FAC), 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 trial Court, on all working days at 10.30 a.m., until further orders;**

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

[e] the petitioner shall not tamper with evidence or



Cr1.O.P.No.8048 of 2025

witness either during investigation or trial;

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[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.

24.03.2025

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Cr1.O.P.No.8048 of 2025

SUNDER MOHAN, J.

sai

To

1.The Additional District Judge/Presiding Officer,
Special Court for EC Act Cases, Coimbatore (FAC)

2.The Inspector of Police
Mettupalayam Police Station
Coimbatore District

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.8048 of 2025

24.03.2025