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Crl.O.P.No.31745 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

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

Crl.O.P.No.31745 of 2024

G. Ramprasad

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
PEW - Coimbatore City Police Station,
Coimbatore.
(Crime No.463 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.463 of 2024 pending on the file of the respondent police.

For Petitioner : Mr. R. Prabakar

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



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ORDER

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Petition seeking bail in respect of Crime No.463 of 2024 registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)B), 22(a), 25 and 29(1) of NDPS Act 1985 and Section 123 of BNS 2023, is on board for consideration.

2. The incarceration of the petitioner being from 21.10.2024 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 is innocent and he has not involved in any offence as alleged by the prosecution and a false case has been foisted against him. He further 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 also 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 while opposing for grant of bail to the petitioner is that, based on secret



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information, the respondent police went to the spot and found that the accused persons were in illegal possession of contra band substances and based on the confession of the arrested accused/ A1, the respondent police had arrested the petitioner herein, who arrayed as A5 and other accused persons and remanded them to judicial custody. He further submits that the contraband substances seized from the petitioner herein are 98 grams of Ganja and 30 nos. of Tapentadol Tablets. He further submits that total contraband substances involved in this case is 1.614 kg of Ganga, 67 nos. of Nitrazepam Tablets and 300 nos. of Tapentadol Tablets.

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 Manonmani Trust, Account Number 9945983362, IFSC Code: KKBK0000469, Kotak Mahindra Bank, Anna Nagar Branch (Home for needy in the name of Anbagam at Thirukandalam Village, Thiruvallur 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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5. Further, having heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record and also considering the period of incarceration undergone by the petitioner, 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 Additional District Judge/ Presiding Officer, Special Court for Essential Commodities 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 appear before the respondent police, everyday at 10:30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or



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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.

03.01.2025

stn

To

1. The Additional District Judge/ Presiding Officer,
Special Court for Essential Commodities Act Cases, Coimbatore.
2. The Inspector of Police,
PEW- Coimbatore City Police Station,
Coimbatore.

A.D.JAGADISH CHANDIRA.,J.



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3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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