



WEB COPY



Crl.O.P.No.32178 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM

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

Crl.O.P.No.32178 of 2024

Muhammed Musthafa @ Musthafa

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thadagam Police Station,
Coimbatore.

(Crime No.147 of 2023).

... 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.147 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.N.Balakrishnan

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

ORDER

Petition seeking bail in respect of Crime No.147 of 2023 registered for the offences punishable under Sections 8(c) r/w Sections 20(b)(ii)(C), 25 and



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29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, is on board for consideration.

2. The incarceration of the petitioner/A3 being from 27.08.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He submits that the petitioner has been falsely implicated in this case, based on the inadmissible confession statement of the arrested accused, from whom the said contraband is said to have been recovered. There is absolutely no recovery from the petitioner and that the main accused have been enlarged on bail. He further submits that there are no previous cases against the petitioner under NDPS Act. He also submits that that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/-, 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 the accused persons were found to be in illegal possession of



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20.450 Kgs of Ganja in an auto bearing Reg. No.TN-28-CU-7472. He would submit that the petitioner has got one previous case. He would further submit that the investigation has been completed and charge sheet is yet to be filed.

4. 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.

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 and taking note of the fact that there is no recovery from 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, of which one shall be a blood related surety from Kerala, who shall file the proof of his residence**, each for a like sum to the



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satisfaction of the learned **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;

[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]***;



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

22.01.2025

Anu

To

1. The Additional District Judge, Presiding Officer,
Special Court for EC Act Cases, Coimbatore
2. The Inspector of Police,
Thadagam Police Station,
Coimbatore.
3. The Superintendent,
Central Prison, Coimbatore
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Anu

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