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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9972 of 2019

Pavi @ Pavithran

... Petitioner/Accused No.7

Vs

State rep by its
The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
Crime No.1340 of 2017

... Respondent/Complainant

For Petitioner : M/s.M.Jegadeesh Pandian,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail Petition in Crime No.1340 of 2017 on the file of the respondent police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.7 seeking bail for the alleged offence under Sections 8(c) r/w.20(b) (ii) (C) and 27(a) and 29 (1) of NDPS Act

2. Heard both sides

3. The learned counsel for the petitioner would submit that in the First Information Report, the petitioner along with other accused persons illegally transported 22 Kg of Ganja. He further submitted that only based on the confession statement given by the co- accused this petitioner has been implicated. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 19.01.2018. He further submitted that A5 in this case was arrested and remanded to judicial custody and subsequently released on bail by this Court. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that totally eight accused were involved in this case. He further submitted that the petitioner along with other accused persons had illegally transported 22 Kg of Ganja. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that A5 in this case was granted bail by this Court.

5. In the First Information Report, it is stated that on 23.07.2017 at about 12 noon, when a police party was on surveillance in front of the house of one Load Murugan @ Murugan, the persons who came there attempted to escape from that place, but the police party caught hold of them Viz., 1) Arunpandian, S/o. Mariappan(A1), (2) Karthi, S/o. Pandi(A2) and enquired with them and they have stated that the other accused persons including the petitioner herein ran away from the said place. But in the FIR, it is not stated that the other accused persons also came there and they ran away on seeing the police party. So, the presence of the petitioner in the place of occurrence itself is a doubtful one. Further, only based on the confession given by the co-accused, the petitioner herein has been implicated in the above case and no recovery has been made from this petitioner. The recovery was made only from A1 and A2. The petitioner is in custody from 19.01.2018. There are reasonable grounds believing that the petitioner is not guilty of aforesaid offence as contemplated under Section 37 of NDPS Act and also the fact that co-accused persons in this case were granted bail, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] the petitioner is ordered to be released on bail on his executing 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 Special Court for EC and NDPS Act Cases, Madurai

[b] the petitioner shall report before the Respondent Police, daily at 10.30 AM for a period of One Month and thereafter, as and when required for the interrogation.

[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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
24/07/2019

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE SPECIAL COURT FOR EC AND NDPS ACT CASES,
MADURAI.

2.THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI CITY.

3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.JEGADEESH PANDIAN Advocate SR.No.12193

ORDER
IN
CRL OP(MD) No.9972 of 2019
Date :24/07/2019

aav

TK/PN/SAR.4/24.07.2019/3P/6C