



by the spot. It was intercepted. According to the prosecution, on seeing the police party, two of the accused by name Bottle Mani and the petitioner managed to escape from the car. But then, the first accused herein who was said to have been driving the car was apprehended. The first accused gave his consent for searching him as well as the vehicle. During the course of search in the car boot, the police found a gunny bag containing 12 packets of Ganja totally weighing 24Kgs. After completing all the formalities and taking the statement of the first accused and also arresting him, he was brought to the Station and Crime No.529 of 2019 was registered for the offences under Sections 8(c) read with 20(b)(ii)(C), 25 and 29(1) of NDPS Act. Bottle Mani who is shown as A3 died during investigation. He is said to have fallen into a well when chased by a police party near Villupuram.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

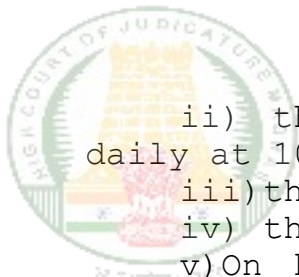
4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that based on the confession of A1, the petitioner has been falsely implicated in this case. He further submitted that A1 has already been arrested and released on bail by this Court. Hence, he prayed for grant of bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police vehemently contended that the petitioner is having 11 previous cases including for the offence under Section 302 of IPC. Hence, he prayed for dismissal of this petition.

6. Considering the facts and circumstances of the case and also considering the fact that only based on the confession of A1, the petitioner has been implicated in this case and the fact that A1 has already been arrested and released on bail by this Court, this Court is inclined to grant bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai- 20. On such deposit, 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 blood sureties each for a like sum to the satisfaction of the Principal Special Court for EC & NDPS Act Cases, Madurai.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their



ii) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the petitioner/A2 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/11/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE PRINCIPAL SPECIAL COURT
FOR EC & NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
SUBRAMANIPURAM POLICE STATION, MADURAI.
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CANCER INSTITUTE (WIA),
NO.38, SARDAR PATEL ROAD,
ADYAR, CHENNAI- 20.

ORDER

IN

CRL OP(MD) No.12194 of 2020

Date : 02/11/2020

vsg

JM/VR/SAR III/02.11.2020/3P/6C

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