



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 24/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.13319 of 2020

Mohan Doss @ Karuppasamy ... Petitioner/Accused No.3

Vs

State Rep. by  
The Inspector of Police,  
Muthukuklathur Police Station  
Ramnad District.  
Crime No. 454/2020.

... Respondent/Complainant

For Petitioner : Mr.U.Antonysanthosh,  
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 454/2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A3 was arrested and remanded to judicial custody on 23.08.2020 for the alleged offence under Sections 8(c) r/w 20(b) (ii) (B) of NDPS Act, 1985, in Crime No.454 of 2020 on the file of the respondent police. Hence, he seeks bail.

2.The case of the prosecution is that on 09.08.2020, on receiving a secret information, the police intercepted the first accused and found that A1 was in possession of 1.500 kgs of ganja. The said ganja was seized under a mahazar and thereafter, sample has been taken and A1 was arrested. Thereafter, based on the confession of A1 and other two accused, the petitioner has been implicated as A3. Thereafter, the petitioner, A1 and the contraband and the said auto were brought to the police station and the police registered a case in Cr.No.454/2020 under Sections 8(c) r/w 20(b) (ii) (B) of NDPS Act, 1985, and he was remanded to judicial custody.



3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Police.

4. The learned counsel appearing for the petitioner submitted that only based on the confession statement of A1, the petitioner has been arraigned as A3. He further submitted that absolutely there is no material to implead the petitioner as accused. He further submitted that there is no recovery from the petitioner and recovery is only from the first petitioner that too in a smaller quantity of 1.500 kgs of ganja. He further submitted that A1 has already been arrested and released on bail. Hence, he seeks bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that totally there are three accused in this case, in which, the petitioner has been arraigned as A3. He further submitted that the confession statement of A1, it revealed that the petitioner is a seller and the first accused purchased contraband only from the petitioner herein. Though no recovery made from the petitioner herein, he is a seller and he has been implicated as A3 in this case. He further submitted that the petitioner is having three previous cases.

6. It is seen that totally there are three accused in this case, in which, the petitioner has been arraigned as A3. It is also seen that the first accused has been arrested and released on bail. Based on the confession of A1, the petitioner has been implicated as A3. It is also seen that the contraband, which was seized from the first accused is a smaller quantity and he also arrested and released on bail.

7. Considering the facts and circumstances of the case and the fact that there is no recovery from the petitioner and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. Accordingly, 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 Additional District and Sessions Judge/Presiding Officer Special Court for E.C. And NDPS Act Cases, Pudukottai.

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 identity

ii) the petitioner shall report before the respondent police daily at 10.30 am until further orders.

<https://hcservices.courts.gov.in/hcservices> 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/-  
24/11/2020

/ TRUE COPY /

/ /2020  
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 ADDITIONAL DISTRICT AND SESSIONS JUDGE /  
PRESIDING OFFICER SPECIAL COURT FOR E.C.  
AND NDPS ACT CASES, PUDUKOTTAI.

2 THE INSPECTOR OF POLICE,  
MUTHUKUKLATHUR POLICE STATION,  
RAMNAD DISTRICT.

3 THE OFFICER INCHARGE,  
SUB JAIL, RAMNAD.

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

+1. C.C. to M/S.U.Antonysanthosh, Advocate SR.No. 7704

ORDER  
IN  
CRL OP(MD) No.13319 of 2020  
Date :24/11/2020

VSG  
JM/PN/SAR III/24.11.2020/3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>