



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

Date : 16/12/2020

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PRESENT

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

CRL OP(MD). No.14921 of 2020

Murugan @ Parattai Murugan ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
West Police Station,
Thanjavur District.
in Crime No.1661/2020. ... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran,
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.1661/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 16.10.2020 for the alleged offence under Section 8(c) r/w 20(b) (ii) (B) of NDPS Act, 1985, in Crime No.1661 of 2020 on the file of the respondent police. Hence, he seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 1 kg 200 gms of Ganja in the Polythene bag. Thereafter, the petitioner and the contraband were brought to the police station and the respondent police has registered a case in Cr.No.1661 of 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 Government Advocate (Crl. Side) appearing for the respondent Police.



4.The learned counsel appearing for the petitioner submitted that absolutely there is no material to implead the petitioner as accused. He further submitted that the recovery is only from the petitioner that to in a smaller quantity of 1.200 kgs of ganja. Hence, he seeks bail.

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5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is having eleven previous cases, out of which, three cases are similar in nature.

6.It is seen that the petitioner is the sole accused. According to the prosecution, the petitioner was found in possession of 1.200 kgs of Ganja in the Polythene bag. Further, the petitioner is having 11 previous cases, out of which, three cases are similar in nature. Therefore, the learned counsel appearing for the petitioner contended that the present case is put up case only and the petitioner has been falsely implicated in this case for statistical purpose. It is also seen that the contraband, which was seized from the petitioner is a smaller quantity.

7.Considering the facts and circumstances of the case 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, Thanjavur.

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 stay at Palani and report before the Palani Town Police Station, daily Morning at 10.00 a.m and evening at 05.00 p.m for a period of four weeks and thereafter, he shall report before the respondent Police daily at 10.30 a.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 *Pradeep Kumar P. vs. State of Kerala* [(2005)AIR SCW 5560].



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

sd/-
16/12/2020

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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 ADDITIONAL DISTRICT AND
SESSIONS JUDGE/PRESIDING OFFICER
SPECIAL COURT FOR EC AND NDPS ACT CASES,
THANJAVUR.
- 2 THE INSPECTOR OF POLICE,
WEST POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION, PALANI.

ORDER
IN
CRL OP(MD) No.14921 of 2020
Date :16/12/2020

VSG
JM/PN/SAR IV/16.12.2020/3P/6C