



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

Date : 23/12/2020

PRESENT

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

CRL OP(MD). No.15798 of 2020

P.Satheesh

... Petitioner/Accused No.4

-Vs-

State Rep.by
The Inspector of Police,
Keeraithurai Police Station,
Madurai City, Madurai.
Crime No.690 of 2020

... Respondent/Complainant

For Petitioner : Mr.M.Lingadurai, 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.690 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 29.11.2020 for the offences punishable under Sections 8 (c), 20(b) (ii) (B), 25, 29(1) of NDPS Act in crime No.690 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.08.2019, A1 to A3 were illegally transported 5.250 kg of ganja by using the petitioner's car. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner herein is a owner of the car and he was not aware of the transportation of the ganja. He would further submit that the respondent police failed to follow the procedure contemplated under Section 42(i) NDPS Act and hence, he prayed for granting of bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that the investigation is still pending and that though the petitioner was not present in the scene of occurrence, his car was used to



transmit the contraband. He would further submit that there are four previous cases pending against the petitioner and hence, he vehemently opposed to grant bail to the petitioner.

5.It is seen that there are totally four accused in this case and the petitioner herein arrayed as A4. The petitioner's car was used for commission of offence. However, the petitioner was not present in the scene of occurrence.

6.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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 learned Additional District Judge of 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 identity

ii) the petitioner shall report before the respondent police daily twice at 10.30 a.m., and 5.00 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 accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/12/2020

/ 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.

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- TO
- 1 THE ADDITIONAL DISTRICT JUDGE,
PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES,
MADURAI.
 - 2 THE INSPECTOR OF POLICE,
KEERAITHURAI POLICE STATION,
MADURAI CITY, MADURAI.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15798 of 2020
Date :23/12/2020

MS/PN/SAR-3/23.12.2020/3P.5C