



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

Date : 17/06/2021

PRESENT

**The Hon`ble Mr.Justice G.CHANDRASEKHARAN**

**CRL OP(MD) . No.4736 of 2021**

I.Arunkarthick

... Petitioner/Accused No.8

Vs

The State through  
The Inspector of Police,  
Muthukulathur Police Station,  
Ramanathapuram District.  
Crime No.613/2020.

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

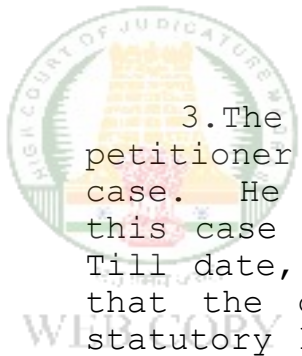
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.613 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8, who was arrested and remanded to judicial custody on 04.12.2020 for the offences punishable under Sections 8(C) r/w 20(b)(ii)(C), 25, 27(A), 29(1) of NDPS Act, 1985 and Section 20 of Arms Act in Crime No.613 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.12.2020, on prior intimation, the respondent police were conducting vehicle check up and found A2 was coming in a two wheeler near Muthukulathoour Selvanayagapuram Vilaku Road. On seeing the police, A2 had thrown away the bag in the bushes and attempted to escape from the scene. When the police caught hold him and on enquiry and search, they found that the bag contained 1.500kgs of Ganja and seized his two wheeler bearing Registration No.TN-59-AK-5099. On the basis of the confession statement of A2, the police subsequently, recovered 23.500kgs of Ganja from the house of the first accused. The police recovered Ganja along with the vehicles involved in this case. Therefore, this case came to be registered.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was arrested in this case on 04.12.2020 and he is in jail for more than 186 days. Till date, the final report is not filed. He would further submit that the co-accused in this case one Kaleeswaran/A2 was granted statutory bail under Section 167(2) of Cr.P.C., r/w 36A(4) of the NDPS Act 1985. This petitioner is also similarly placed like the co-accused Kaleeswaran.

4.The learned Government Advocate (Crl.side) submitted that final report is not filed in this case.

5.The contraband involved in this case is a commercial quantity. Since the respondent police has not filed the final report and the petitioner is in jail for more than 186 days, the petitioner is entitled for mandatory bail under Section 167(2) of Cr.P.C r/w 36A(4) of the NDPS Act 1985.

6.In this view of the matter, this Court is inclined to grant statutory bail to the petitioner with certain 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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Muthukulathur and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[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.

sd/-  
17/06/2021

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/ /2021

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 JUDICIAL MAGISTRATE, MUTHUKULATHUR.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
- 3.THE OFFICER INCHARGE,  
DISTRICT JAIL, RAMANATHAPURAM.
- 4.THE INSPECTOR OF POLICE,  
MUTHUKULATHUR POLICE STATION,  
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.4736 of 2021  
Date :17/06/2021

SJI  
AE/MNR/SAR-IV/17.06.2021/3P/6C