



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

Date : 30/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.4858 of 2021

Mohamed Azarudeen

... Petitioner/Accused-2

Vs

The State rep.by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Kumbakonam, Thanjavur District.
Crime No.109 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Karunanidhi,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

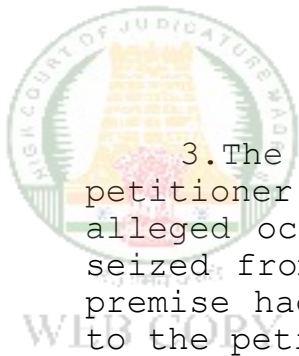
PRAYER :-

For Bail in Crime No.109 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 08.03.2021 for the offences punishable under Sections 8 (C) r/w 20(b)(ii)(B) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.109 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the Sub-Inspector of Police, attached to the respondent police station, on 08.03.2021, on secret information, had went to the scene of occurrence with a police team. At that time, two persons came in two different bikes and the same were stopped on suspicion. After following statutory procedures, the Police enquired them and search was also made. From A1's bike one yellow bag was recovered and in that bag, 1.100 Kg ganja was found. It is stated by A1 that the petitioner herein used to purchase ganja form him regularly. Hence, the petitioner was also arrested.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged occurrence. He would further submit that nothing has been seized from the petitioner herein. The respondent police on wrong premise had arrested the petitioner. Hence, he seeks grant of bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that the respondent police gone to the scene of occurrence, after receiving secret information from the informer and the petitioner and A1 intercepted. After following all statutory procedures, search was made. From the bike of A1, 1.100 kg ganja was found in a yellow bag. Even though there is no seizure from the petitioner, it is clear from A1's confession that the petitioner herein also involved in illegal transportation of kanja and hence, he opposed to grant bail to the petitioner.

5.It is seen that the contraband weighing 1.100 kg was seized from A1, which is small quantity and nothing was seized from the petitioner herein. It is also seen that the petitioner has got no bad antecedents.

6.In view of the above, 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 sureties each for a like sum to the satisfaction of the learned Additional District & Sessions Judge/Special Court for EC Act Cases, Thanjavur and further conditions that:

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 appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

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

<https://hccourts.courts.gov.in/Kse6/has> ji vs. State of Kerala [(2005)AIR SCW 5560].



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

sd/-
30/03/2021

WEB COPY

/ TRUE COPY /

/ /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 ADDITIONAL DISTRICT AND SESSIONS JUDGE/
SPECIAL COURT FOR EC ACT CASES, THANJAVUR.

2.THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.

3.THE OFFICER INCHARGE
SUB JAIL, THIRUVIDAIMARUDHUR.

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

+1. CC to Mr.R.KARUNANIDHI Advocate SR.No.2715

ORDER
IN
CRL OP(MD) No.4858 of 2021
Date :30/03/2021

GNS
TK/PN/SAR.2/30.03.2021/3P/6C