



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

Date : **08/04/2021**

PRESENT

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

CRL OP(MD). No.5137 of 2021

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Kalaiyarasan

...Petitioner/Accused(Sole)

Vs

The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
Crime No.142/2021.

...Respondent/Complainant

For Petitioner : Mr.S.Elumalai
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.142 of 2021 on the file of the respondent Police.

ORDER: The Court made the following order :-

The petitioner/sole accused, who was arrested on 05.03.2021 for the offence punishable under Section 8(c) r/w Section 20 (b)(ii)(B) of NDPS Act, 1985, in Crime No.142 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that upon secret information received by the defacto complainant, the respondent police went for a search along with his subordinates and recovered the contraband weighing about 1.100 kg of Ganja, which was kept hidden in the bag. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and he is in judicial custody from 05.03.2021. Hence, he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that the allegation against the present petitioner is that he was found in possession of 1.100 kg of Ganja in a bag and the petitioner is remanded to judicial custody on 05.03.2021.

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5. Taking into consideration the facts and circumstances of the case, and also taking note of the fact that the contraband involved is only 1.100 kg of Ganja and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. 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 Principal Special Court for EC and NDPS Act Cases, Thanjavur, and on further conditions 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/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM



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 PRINCIPAL SPECIAL COURT
FOR EC AND NDPS ACT CASES,
THANJAVUR.
 - 2 THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUKOTTAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.ELUMALAI, Advocate SR.No.2990

ORDER
IN
CRL OP(MD) No.5137 of 2021
Date :08/04/2021

NR/JC/SAR-II(08.04.2021) 3P:6C