



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

Date : 18.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.6945 of 2021

Karthick Deepak ... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
S.S.Colony Police Station,
Madurai City. ... Respondent/Complainant

For Petitioner : Mr.M.Jagadeesh Pandian,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

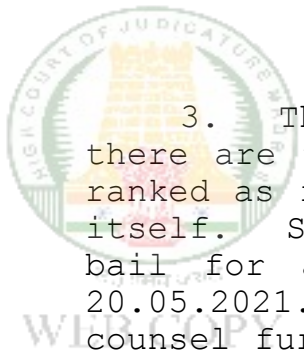
PRAYER :-

For Bail in Crime No.297 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 11.05.2021 for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.297 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.05.2021, at about 11.00 am, on secret information, the Sub-Inspector of Police, S.S.Colony Police Station, Madurai had gone to the place of occurrence for inspection. He found that the petitioner was in possession of ganja and seized 1.9 Kgs of ganja from the vehicle. Hence, the complaint.



3. The learned counsel for the petitioner would submit that there are totally three accused in this case and the petitioner is ranked as first accused. The petitioner was arrested on 11.05.2021 itself. Since, he suffered from Covid-19, he was granted interim bail for a period of two months by order of this Court dated 20.05.2021. Thereafter, he surrendered on 12.08.2021. The learned counsel further submits that this case has been foisted for alleged possession of ganja and there is no recovery from this petitioner.

4. The learned Government Advocate(Crl.Side) appearing for the respondent opposed for grant bail and submitted that this petitioner is having two previous cases for possession of tobacco products.

5. Considering the nature of offence, the quantity of contraband seized, the period of incarceration and the fact that there is no recovery of any contraband from this petitioner, 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 Principal Special Court for EC and NDPS Act Cases, Madurai 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 Aadhaar card or bank pass book to ensure their identity.

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

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with the 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/-
18/08/2021

/ 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 Principal Special Court
for EC and NDPS Act Cases, Madurai
2. The Superintendent, Central Prison,
Madurai.
3. The Inspector of Police,
S.S.Colony Police Station,
Madurai City
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.6945 of 2021
Date : 18.08.2021

TR/VR/SAR-II (18.08.2021) 3P 5C