



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

Date : 07/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8884 of 2021

Moorthy ... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Nib Cid Police Station,
Nagapattinam District.
Crime.No. 16 of 2021. ... Respondent/Complainant

For Petitioner : Mr.Palanisamy.T.,
Advocate.

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

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

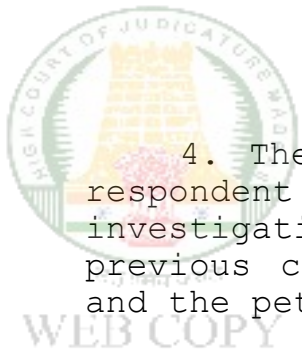
PRAYER :- For Bail in Crime No.16 of 2021 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 15.06.2021 for the offences punishable under Sections 8(C) r/w.20(b)(ii)(B) of NDPS Act in Crime No.16 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.06.2021 on prior information with regard to selling of ganja at about 7.00 hrs at Avurithidal near bus stand they found the accused with white colour bag. The respondent police introduced themselves to the accused and informed him about the right to be searched in the presence of the Judicial Magistrate or Gazetted Officer. The petitioner expressed his willingness to be searched by the police party themselves. The police found the petitioner was in possession of 1.200kgs of ganja, therefore the 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 is in judicial custody since 15.06.2021, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. He would further submit that no previous case of similar nature is pending against the petitioner and the petitioner has 10 previous cases relating to TNP Act.

5. Taking note of the fact and circumstances of the case and also the fact that the contraband possessed by the petitioner is the intermediate quantity and the fact that the petitioner is in judicial custody from 15.06.2021 and the fact that no previous case of similar nature is pending against the 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 learned Judicial Magistrate No.II, Nagapattinam District 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/-
07/07/2021

/ 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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
NAGAPATTINAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
NAGAPATTINAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
NIB CID POLICE STATION,
NAGAPATTINAM DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8884 of 2021
Date :07/07/2021

AAV
JM/JC/SAR V/07.07.2021/3P/6C