



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9183 of 2021

Bharath Deepak

... Petitioner/Accused No.1

Vs

The State through
The Inspector of Police,
S.S.Colony Police Station,
Madurai.
in Crime No.531 / 2021.

... Respondent/Complainant

For Petitioner : Mr.Niranjan S.Kumar,
Advocate.

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

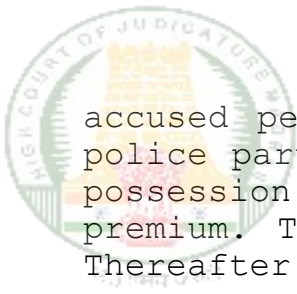
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.531 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 r/w Section 6 and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.531 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.06.2021 on information the police party kept watching at Town melakal main road. At about 06.15 a.m., they found a van bearing Reg. No. TN 58 AR 5941 and they stopped the vehicle and noticed Bharath Deepak and Karthik were occupants. The driver escaped from there. When they enquired about the person who escaped, they identified him as Karthick pandi. The respondent police introduced themselves to the accused and informed them about the right to be searched in the presence of the Judicial Magistrate or Gazetted Officer. The



accused persons expressed their willingness to be searched by the police party themselves. On search they found the petitioner was in possession of 3.950 kgs of ganja and 87 packets of Ganesh 701 Tobacco premium. The contraband was seized and the accused was arrested. Thereafter the case came to be registered.

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3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He has also filed a copy of the First Information Report to show that his brother Karthick Deepak was also implicated in one case. He would further submit that the petitioner is in judicial custody from 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.

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 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 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/-
12/07/2021

/ TRUE COPY /

WEB 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 JUDGE FOR EC AND NDPS ACT CASES,
MADURAI.
- 2.THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
- 3.THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.NIRANJAN S.KUMAR Advocate SR.No.4502

ORDER
IN
CRL OP(MD) No.9183 of 2021
Date :12/07/2021

aav
AE/VR/SAR-III/12.07.2021/3P/6C