



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/07/2021

PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9375 of 2021

1.Suresh Pandian
2.Premkumar

... Petitioners/Accused No.1 and 2

Vs

The State rep by,
The Inspector of Police,
Thanjavur Medical College Police Station,
Trichy District.
(In Crime No.933 of 2021).

... Respondent/Complainant

For Petitioners: Mr.K.Sivabalan, 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.933 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 23.06.2021 for the offences punishable under Sections 8(C) r/w.20(b)(ii)(B) of NDPS Act in Crime No.933 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on information received from the informant on 23.06.2021 at about 08.00 am., near Upparikai Mandapam, Maanojipatti, Thanjavur they found a person with sack. 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 accused in possession of 1.200 kgs of ganja. The contraband was seized and the accused was arrested. Thereafter the case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 23.06.2021, 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 petitioners.

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5. Taking note of the fact and circumstances of the case and also the fact that the contraband possessed by the petitioners is the intermediate quantity and the fact that the petitioners are in judicial custody from 23.06.2021 and the fact that no previous case of similar nature is pending against the petitioners and the fact that the material witnesses are official witnesses, this Court is inclined to grant bail to the petitioners

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Additional District Judge/Presiding Officer, Special Court under E.C Act, Thanjavur 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 petitioners shall report before the respondent police daily at 10.30 am., until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
15/07/2021

/ 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.

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TO

1 THE ADDITIONAL DISTRICT JUDGE/PRESIDING OFFICER,
SPECIAL COURT UNDER ESSENTIAL COMMODITIES ACT,
THANJAVUR.

2 THE INSPECTOR OF POLICE
THANJAVUR MEDICAL COLLEGE POLICE STATION,
TRICHY DISTRICT.

3 THE OFFICER INCHARGE,
BORSTAL SCHOOL,
PUDUKOTTAI.

4. THE OFFICER INCHARGE, SUB JAIL,
THANJAVUR.

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

+1 CC to Mr.K.SIVABALAN, Advocate (SR-4592[I] dated 15/07/2021)

ORDER

IN

CRL OP(MD) No.9375 of 2021

Date :15/07/2021

AAV

MK/JC/SAR-I : 15/07/2021 : 3P/7C