



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.07.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9405 of 2021

Vivek @ Kuttaru

... Petitioner/3rd Accused

Vs

The State Represented by,
The Inspector of Police,
Thanjavur South Police Station,
Thanjavur District.
(Crime No.1027 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
Advocate.

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

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

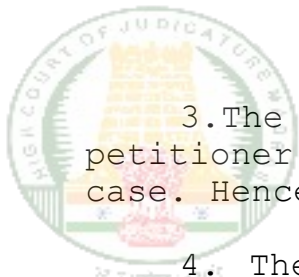
PRAYER :-

For bail in crime no.1027 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 19.06.2021 for the offences punishable under Sections 8(C) read with 20 (b)(ii)(B) of NDPS Act, 1985 in Crime No.1027 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the information provided by the secret informant, the Police Party on 19.06.2021 found five persons in the house of Murali, at about 03.00 pm. The police informed the accused about their right to be searched in the presence of Judicial Magistrate or Gazetted Official. On their willingness to be searched by the Police, a search was conducted and they were found in illegal possession of 1 Kg of Ganja. Therefore, this 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. 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 further submitted that the petitioner has one previous case under NDPS Act and other IPC cases.

5. It is seen that the case registered under NDPS Act ended in acquittal. Considering the fact that the quantity of Ganja involved in this case is 1 Kg and the same has been seized and also the fact that the material witnesses are official witnesses in this case, 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 Additional District and Sessions Judge, Presiding Officer and Special court for EC Act Cases, 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 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.

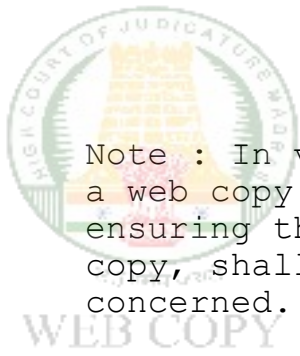
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
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.

TO

- 1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PRESIDING OFFICER,
SPECIAL COURT FOR E.C ACT CASES,
THANJAVUR DISTRICT.
- 2.THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.
- 3.THE INSPECTOR OF POLICE,
THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9405 of 2021
Date :15/07/2021

MBI
SS/JC/SAR-I/15.07.2021 : 3P/5C