



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9649 of 2021

1.Sinthamani

2.Veeraiyan ... Petitioners/Accused Nos.1 and 2

Vs

State represented by
Inspector of Police,
Velipalayam Police Station,
Nagapattinam District.
Crime No. 781 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Kumaravel,
Advocate.

For Respondent : Mr.Antony S.Prabhakar,
Additional Public Prosecutor

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

PRAYER :-

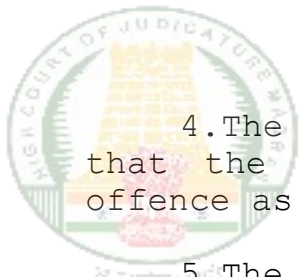
For Bail in Crime No.781 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioners are arrayed as accused Nos.1 and 2 in this case. They were arrested for the offences punishable under sections 8(c) and 20(b)(ii)(B) of NDPS Act, 1985 in Crime No.781 of 2021 on the file of the respondent police. They seek bail.

3.The case of the prosecution is that the petitioners were arrested by the respondent police alleging that they were found in possession of 8.200 kgs of Ganja. Hence, the complaint.



4.The learned counsel appearing for the petitioners submits that the petitioners are innocent and they did not commit any offence as alleged by the respondent police.

5.The learned Additional Public Prosecutor appearing for the respondent objects to grant bail to the petitioners stating that the petitioners have 20 previous cases.

6.Taking note of the facts and circumstances of this case that the previous cases were not registered as against the petitioners under NDPS Act, I am inclined to enlarge the petitioners on bail with certain conditions.

7.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 Special Court for EC Act case (NDPS Court), Thanjavur and on further conditions 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 10.00 am., until further orders.

[c] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

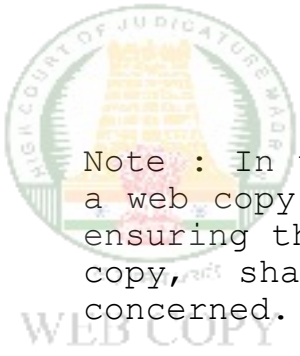
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
22/07/2021

/ 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 JUDGE,
SPECIAL COURT FOR EC ACT CASE (NDPS COURT),
THANJAVUR.
 2. THE OFFICER INCHARGE,
SUB JAIL (WOMAN),
THIRUVARUR.
 3. THE OFFICER INCHARGE,
DISTRICT JAIL,
NAGAPATTINAM.
 4. INSPECTOR OF POLICE,
VELIPALAYAM POLICE STATION,
NAGAPATTINAM DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.KUMARAVEL, Advocate (SR-4757[I] dated 22/07/2021)

ORDER
IN
CRL OP (MD) No.9649 of 2021
Date : 22/07/2021

VB/JC/SAR.I/22.07.2021/3P/7C