



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

Date : 28/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9799 of 2021

Deenadayalan

... Petitioner/3rd Accused

Vs

The State rep.by
The Inspector of Police,
Sellur (Law and Order) Police Station,
Madurai.
(Crime No.457 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Poornachandran.S.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate(Crl.Side)

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

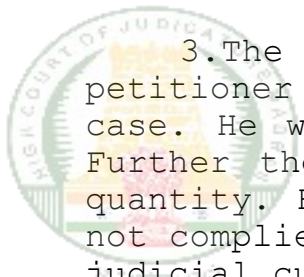
PRAYER :-

For Bail in Crime No.457 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 10.06.2021 for the offences punishable under Sections 8(c), 22(b) of NDPS Act and Section 25(1)(b) of Arms Act in Crime No.457 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.06.2021 at about 17.30 hrs the defacto complainant along with police party were engaged in routine rounds near Kulamangalam main road, behind kerosene bulk they found the accused in this case. On seeing the police they tried to escape, but the police apprehended them. On search they found psychotropic substance and dangerous weapons like sword, knife and wooden log. Thereafter the accused were arrested and 120 tablet of Nitrovet 10 were recovered along with weapons. 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 first accused was released on bail. Further the psychotropic substance involved in this case is small quantity. He would also submit that section 50 of the NDPS Act is not complied with. He would further submit that the petitioner is in judicial custody from 10.06.2021, hence he seeks bail.

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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 one previous case of similar nature is pending against the petitioner in Crime No.2342 of 2020 for the offences under Sections 8(c), 20(b), (ii)(B) of NDPS Act.

5. Taking note of the fact and circumstances of the case and also the fact that material witnesses are official witnesses in this case, and the fact that the petitioner is in judicial custody from 10.06.2021, 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 Sessions 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.

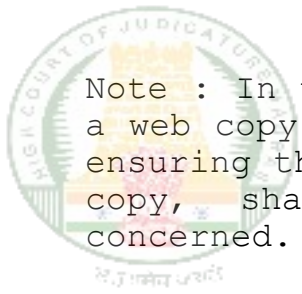
sd/-

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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 PRINCIPAL SESSIONS COURT FOR EC AND NDPS ACT CASES,
MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
SELLUR (LAW AND ORDER) POLICE STATION,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.9799 of 2021

Date : 28/07/2021

AM/JC/SAR.3/28.07.2021/3P/5C