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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.9988 of 2021

1. Senthil,

2. Anand,

3. Vadivel, ... Petitioners/Accused Nos.3 to 5

Vs

State rep. by

The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.

Crime.No.786 of 2021..

... Respondent/Complainant

For Petitioners : Santhanam Rajeshkumar B,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.786 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 to A5, who were arrested on 05.07.2021 for the offence under Sections 8(c) r/w 20(b)(ii)(B), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime.No.786 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the first petitioner/A3 is the land owner where ganja was recovered. The second petitioner/A4 has sold the ganja by using the other petitioners' premises. Hence, the complaint.



3. The learned counsel appearing for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. The petitioners are also ready to file an affidavit of undertaking that they will not indulge in any other offences in future. He further submitted that the petitioners are in jail from 05.07.2021, hence they may be granted bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioners are not having any antecedents of similar in nature and the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the fact that the petitioners are not having any bad antecedents and are ready to file an affidavit of undertaking that they will not indulge in any other offences in future and the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and 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 Cum Special Court under Essential Commodities Act, Thanjavur, Thanjavur District 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 file an undertaking affidavit that they will not indulge in any other offences in future.

[c] the petitioners shall appear before the respondent police daily at 10.30 am. and 5.30 p.m until further orders.

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

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

[f] 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]**.



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

sd/-
11/08/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MSA

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 Judge
Cum Special Court under Essential Commodities Act,
Thanjavur, Thanjavur District
2. The Officer incharge,
Sub Jail, Kumbakonam,
Thanjavur District.
3. The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.9988 of 2021
Date : 11/08/2021

TR/PN/SAR-I(11.08.2021) 3P 5C