



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

Date : 26/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11316 of 2021

Sathishkumar

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Pasupathipalaiyam Police Station
Karur District.
Crime No.574 of 2021

... Respondent/Complainant

For Petitioner : Mr.K.Muduvai Ilayaraja,
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.574 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 04.07.2021 for the offences under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985 in Crime.No.574 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 1.400 kg of ganja. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner has filed an affidavit of undertaking attested by the Jailor, Central Prison, Trichy before this Court that he will not indulge in any other offences in future and he will abide by any condition. He would further submit that the petitioner is in jail from 04.07.2021 and hence, he prays for grant of bail.



4. The learned Government Advocate (Crl. Side) submits that the petitioner is a habitual offender and apart from this case, he has involved in three other offences of similar in nature. He would further submit that the investigation in this case is yet to be completed.

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5. Though the petitioner has involved in three other offences of similar in nature, he has filed an undertaking affidavit attested by the Jailor, Central Prison, Trichy, before this Court that he will not indulge in any other offences in future and he will abide by any condition.

6. In view of the above and taking into consideration of the facts and circumstances of the case and the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

7. 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 Special Court for E.C and NDPS Act Case, Pudukottai 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 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 229-A IPC.

sd/-
26/08/2021

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/ /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 AND SESSIONS JUDGE/
PRESIDING OFFICER SPECIAL COURT FOR
E.C AND NDPS ACT CASE, PUDUKOTTAI.
- 2 THE INSPECTOR OF POLICE,
PASUPATHIPALAIYAM POLICE STATION
KARUR DISTRICT.
- 3 THE SUPERINTENDENT,CENTRAL PRISON,
TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11316 of 2021

Date :26/08/2021

MSA

MS/JM/SAR-1/26.08.2021/3P.5C