



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

Date : 27/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11800 of 2021

1. Bala @ Balamurugan
2. Kalaimagan

... Petitioners/Accused 1 and 2

Vs

State Rep.by
The Inspector of Police,
Alivalam Police Station,
Thanjavur District.
Crime No.393 of 2021.

... Respondent/Complainant

For Petitioners: Mr.A.Arunprasad,
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.393 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 20.07.2021 for the offences under Sections 8(c), 20(b)(ii)(B) of NDPS Act in Crime.No.393 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in possession of 1.100 kg of ganja. Hence, the case.

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 have filed an affidavit of undertaking before this Court that they will not indulge in any other offences in future and they will abide by any condition. He would further submit that the petitioners are in jail from 20.07.2021 and hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) submits that the petitioners are having one previous case of IPC offence. He would



further submit that the investigation in this case is yet to be completed.

5. Considering the facts and circumstances of the case, the period of incarceration and also the fact that the petitioners have filed an undertaking affidavit before this Court that they will not indulge in any other offence in future, this Court is inclined to grant bail to the petitioners, however, with stringent conditions.

6. 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 Additional District and Sessions Court for E.C. 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 Aadhaar card or bank pass book to ensure their identity.

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

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

[d] the petitioners 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 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]**.

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

sd/-
27/08/2021

/ 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



TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE
FOR E.C. ACT CASES, THANJAVUR.
2. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.
3. THE INSPECTOR OF POLICE,
ALIVALAM POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11800 of 2021
Date :27/08/2021

MSA/OGY
MS/PN/SAR-4/27.08.2021/3P.5C