



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

Date : 13/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12323 of 2021

WEB COPY

Aravinth ... Petitioner/Sole Accused  
Vs

The State rep.by,  
The Inspector of Police,  
Thanjavur West Police Station  
Thanjavur District  
Crime No.1472 of 2021.

... Respondent/Complainant

For Petitioner : MR.K.M.Karunakaran, 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.1472 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

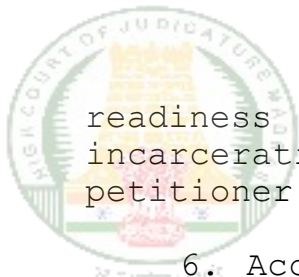
The petitioner, who was arrested on 13.08.2021 for the offence under Section 8(c) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime.No.1472 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 1.00 kg of ganja.

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 is ready to file an affidavit of undertaking before the respondent police as well as before the trial Court that he will not indulge in any other offences in future. He further submitted that the petitioner is in jail for the past 33 days and hence, he prays for grant of bail.

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

5.Considering the facts and circumstances of the case, the fact  
<https://hcs.ecourts.gov.in/hcservices> petitioner is not having any bad antecedent and his



readiness to file an affidavit of undertaking and the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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 and Special Court for E.C.Act Cases, 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offences in future.

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

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

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

[f] On breach of any of the aforesaid conditions, the learned Judge/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 Judge/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/-  
13/09/2021

/ 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,  
PRESIDING OFFICER AND SPECIAL COURT FOR E.C.ACT CASES,  
THANJAVUR.

2 THE INSPECTOR OF POLICE  
THANJAVUR WEST POLICE STATION, THANJAVUR.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, TIRUCHIRAPLLI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.12323 of 2021  
Date :13/09/2021

MSA  
MK/VR/SAR.I/13.09.2021/3P/5C