



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/12/2021

PRESENT

WEB COPY

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.21054 of 2021

1.Navaskhan
S/o.Mohammed Ali

2.Vasim Khan
S/o.Navaskhan

...Petitioners/Accused 5 & 6

Vs

The State represented by
The Inspector of Police,
S.S.Colony Police Station,
Madurai City,
Madurai.
(in Crime No.60 of 2021)

... Respondent/Complainant

For Petitioners: Mr.G.Naveenkumar,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Criminal)

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

PRAYER :-

For Bail in Crime No.60 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A.5 & A.6, who were arrested and remanded to judicial custody on 17.02.2021 for the offences under Sections 8(c) r/w 20(b)(ii)(c) and 25 of NDPS Act, 1985 in Crime No.60 of 2021 on the file of the respondent police, seek bail.



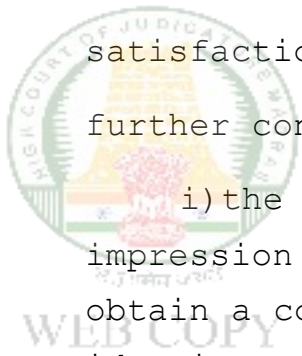
2. The case of the prosecution is that the petitioners along with other accused were found in illegal possession of 33.300 kgs of ganja. The said contraband was seized by the respondent. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the investigation is completed and the final report has been filed before the concerned Court. He would further submit that the petitioners are in judicial custody from 17.02.2021, hence he seeks bail.

4. The learned Government Advocate (Criminal) appearing for the respondent police would submit that the charge sheet has been filed and was taken on file in C.C.No.257 of 2021. He would further submit that the first petitioner is having three previous cases and the second petitioner is having two previous cases.

5. Taking into consideration the facts and circumstances of the case and also the fact that the investigation in this case is completed and the final report has been filed before the Special Court for EC and NDPS Act cases, Madurai and the same has been taken cognizance in C.C. No.257 of 2021 and also the fact that the petitioners are in custody from 17.02.2021, this Court is inclined to grant bail to the petitioners.

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 learned Judicial Magistrate No.5, Madurai and on further condition that

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii)the petitioners shall report before the learned II Additional Special Court for NDPS Act cases, Madurai daily at 10.30 am., until further orders.

iii)the petitioners shall not tamper with evidence or witness.

iv)the petitioners shall not abscond during trial.

v)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].

vi)If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/12/2021

/ TRUE COPY /

29/12/2021
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. The Judicial Magistrate No.5,
Madurai.
2. The II Additional Special Court
for NDPS Act cases(FAC), Madurai.
3. The Officer in Charge,
District Jail,
Ramanathapuram.



4. The Inspector of Police,
S.S.Colony Police Station,
Madurai City, Madurai.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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ORDER

IN

CRL OP(MD) No.21054 of 2021

Date :29/12/2021

MGJ(29.12.2021)/PN/SAR IV 4P 6C