



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.04.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.3424 of 2022

1.Kaswin
2.Kavin

... Petitioners/Petitioners/
Petitioners/A1 and A2

Vs

1. The State represented by
The Inspector of Police,
Kulathur Police Station,
Thoothukudi District.
Crime No.196/2021

2. The Inspector of Police,
NIB-CID Thoothukudi,
Thoothukudi District.
Crime No.3/2022

... Respondents/Respondents/
Respondents/Complainant

For Petitioners : Mr.B.Pandiyarajan,
Advocate

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For bail in Crime No.3 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested on 31.07.2021, for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(C) and 25 of NDPS Act, in Crime No.3 of 2022, seek bail.

2. This is the third bail petition. The first bail petition was dismissed by this Court on 25.10.2021, on the objection raised by the respondent Police that the investigation is in crucial stage. The subsequent bail petition was also dismissed by this Court on 02.12.2021, in view of the fact that considering the quantity of contraband involved, the case was transferred to NIBCID.



3. Now, the present bail petition is moved by the petitioners stating that the investigation is completed and final report is also filed and the same is taken on file in C.C.No.56 of 2022.

4. The learned counsel for the petitioners submits that originally, the case was registered against five persons. At the time of filing the final report, the names of A3 and A4 were deleted. He further submits that in this case, the contraband was recovered from an abandoned vehicle and the petitioners were not present at the place of occurrence, when the recovery was made. Moreover, the car, from where the contraband was recovered, belongs to A5 and there is no nexus between the petitioners and other accused. Therefore, he prayed for grant of bail to the petitioners.

5. The learned Additional Public Prosecutor has also confirmed that the recovery was made from an abandoned car.

6. Though the final report has been filed, it appears that there is no incriminating materials as against the petitioners and there is no bad antecedent against the petitioners. Therefore, the petitioners have satisfied the twin conditions as laid down under Section 37 of the NDPS Act. Hence this Court is inclined to grant bail to the petitioners.

7. Accordingly, the Criminal Original Petitions are ordered. The petitioners are directed to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, with two sureties each for a like sum to the satisfaction of the Principal Special Court for EC &NDPS Act Cases, Madurai, and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge may obtain a copy of their Aadhar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the second respondent daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

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

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

[e]On breach of any of the aforesaid conditions, the learned Judge/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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court



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

sd/-
13/04/2022

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/ /2022

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

TO

- 1 THE PRINCIPAL SPECIAL COURT
FOR EC AND NDPS ACT CASES, MADURAI.
 - 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
 - 3 THE INSPECTOR OF POLICE
KULATHUR POLICE STATION, THOOTHUKUDI DISTRICT.
 - 4 THE INSPECTOR OF POLICE
NIB CID THOOTHUKUDI, THOOTHUKUDI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.B.PANDIYARAJAN, Advocate SR.No.3413

ORDER
IN
CRL OP(MD) No.3424 of 2022
Date :13/04/2022

SS/VR/SAR:I/13.04.2022 : 3P/7C