



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

Date : 23/03/2022

PRESENT

WEB COPY

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD) . No.4580 of 2022

Muthukaruppu

... Petitioner/Accused No.4

Vs

The State Rep. By,  
The Inspector of Police,  
Mathichiyam Police Station,  
Mathichiyam, Madurai City,  
Crime No. 344/2021.

... Respondent/Complainant

For Petitioner : Mr.Jeyaram.A,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

PRAYER :-

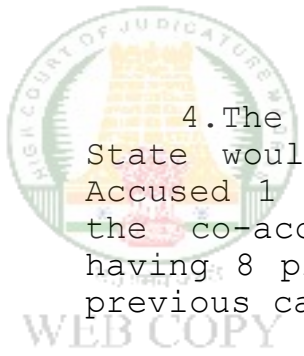
For Bail in Crime No.344 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A.4, who was arrested and remanded to judicial custody on 18.06.2021 for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(C), 29(1) of Narcotic Drugs and Psychotropic Substance Act, in Crime No.344 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on receiving secret information, on 17.06.2021 at about 08.15 am, the Police party went to Vaigai River opposite to Sha Theatre, wherein they found that the accused were in possession of Ganja weighing 24 Kgs. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that there was no recovery from the petitioner and that the petitioner was falsely implicated only on the basis of the alleged confession statement taken from the co-accused and that the petitioner is not having any previous case for similar offence.



4.The learned Additional Public Prosecutor appearing for the State would submit that 24 Kgs of Ganja was recovered from the Accused 1 to 3 and only on the basis of the confession taken from the co-accused, the petitioner was added and that the petitioner is having 8 previous cases under IPC offence and he is not having any previous case in similar offence.

5.The learned Additional Public Prosecutor would submit that after completing the investigation, charge sheet was filed and the same was taken on file in C.C.No.625 of 2021 and the same is pending before the Additional District Judge/Presiding Officer, Principal Special Court for EC and NDPS Act Cases, Madurai.

6.Admittedly, there was no recovery from the present petitioner. As already pointed out, he was implicated only on the basis of confession taken from the co-accused.

7.Considering the above facts and circumstances of the case and also the facts that the petitioner is not having any previous cases under the NDPS Act, this Court is satisfied that there are reasonable grounds for believing that the petitioner is not guilty of such offence and that he is not likely to commit any such offence, after coming out on bail, as contemplated under Section 37 of NDPS Act, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for NDPS Act Cases, Madurai.

(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 petitioner shall report before the concerned Court daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner 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 petitioner 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]***.



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

sd/-  
23/03/2022

WEB COPY

/ TRUE COPY /

23/03/2022

Sub-Assistant Registrar (C.S-IV)  
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.

TO

1. THE SESSIONS JUDGE,  
PRINCIPAL SPECIAL COURT FOR NDPS ACT CASES,  
MADURAI
2. THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,  
MATHICHIYAM POLICE STATION,  
MATHICHIYAM, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 C.C. TO M/S.A.JEYARAM, ADVOCATE, S.R.NO.2433(I), DT : 24.03.2022.

ORDER  
IN  
CRL OP(MD) No.4580 of 2022  
Date : 23/03/2022

USK/PN/SAR-IV/23.03.2022/3P/6C