



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21.03.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5205 of 2022

Ramathass ... Petitioner/Sole Accused
vs.
The State represented by
The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
(Crime No.133 of 2022) ... Respondent/Complainant

For Petitioner : Mr.G.PORKODI KARUNAKARAN,
Advocate.
For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor.

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

PRAYER :- For Bail in Crime No.133 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

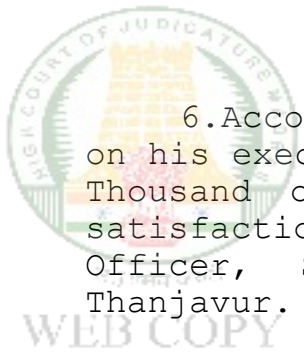
The petitioner/accused, who was arrested and remanded to judicial custody on 05.03.2022 for the offences punishable under Sections 8(C) r/w 20(a)(i) and 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substance Act, 1985, in Crime No.133 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.03.2022 at about 11.00 hrs, when the respondent police went for a raid at Suppamal Chathiram, Thiruven then Village, the petitioner was found cultivating a ganja plant in the backyard of his house. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that in the backyard of the petitioner's house, there was a single ganja plant and that the petitioner is not having any previous cases.

5.Considering the above facts and also the facts that the petitioner is in judicial custody from 05.03.2022 and that the petitioner is not having any previous cases, this Court is inclined to grant bail to the petitioner subject to the following conditions:



6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District Judge/Presiding Officer, Special Court for under Essential Commodities Act, Thanjavur.

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

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation;

(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/Special 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/Special 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/-
21/03/2022

/ TRUE COPY /

21/03/2022
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 concerned.

TO

1 THE ADDITIONAL DISTRICT JUDGE / PRESIDING OFFICER,
SPECIAL COURT FOR UNDER ESSENTIAL COMMODITIES ACT,
THANJAVUR.



2 THE SUPERINTENDENT
CENTRAL PRISON, TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE,
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.5205 of 2022

Date :21/03/2022

SA/VR/SAR.2/21.03.2022/3P/5C