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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16791 of 2022

Anbu Ramar @ Angutha Ramar

... Petitioner/Accused No.6

Vs

State Rep.by
The Inspector of Police,
Rameswaram Town Police Station,
Ramanathapuram District.
(Crime No.55/2022).

... Respondent/Complainant

For Petitioner : M/s.Jegadeeshapandian V.M., 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.55/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 11.02.2022 for the offences punishable under Section 8(c) and 22(C) of Narcotic Drugs & Psychotropic Act, 1985 @ 8(c), 22(C), 23(C), 28 and 29 of Narcotic Drugs and Psychotropic Act, 1985, in crime No.55 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 1.500 kgs of Cocaine. 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. He would further submit that the co-accused were already arrested and released on bail by the Sessions Court. He would further submit that the petitioner is in judicial custody from 11.02.2022, hence he may be released on bail.



4.The learned Additional Public Prosecutor strongly opposed this petition stating that the contraband involved in this case is a commercial quantity and the contraband was recovered. The major part of the investigation is over.

5.On perusal of the chemical analysis report shows that the seized contraband did not detect Cocaine or any other Narcotic Drug/Psychotropic Substances in all the four samples.

6.Considering the facts and circumstances of the case and also considering the period of incarceration and the chemical analysis report and also the facts that the co-accused have already been released on bail and the major part of the investigation is over and the contraband was recovered, this Court is inclined to grant bail to the petitioner on certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Special Court for EC and NDPS Act Cases, Pudukkottai.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court/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 respondent police 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 Special Court/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 Special Court/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

19/10/2022

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19/10/2022

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



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT FOR EC AND NDPS ACT CASES, PUDUKKOTTAI.

2 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE, RAMESWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.V.M.JEGADEESHAPANDIAN, Advocate (SR-11675[I] dated
19/10/2022)

ORDER

IN

CRL OP(MD) No.16791 of 2022

Date :19/10/2022

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RS/SBN/SAR. (19.10.2022) 3P-6C