



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.17239 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 : M/s.Jeyaram.A,
Advocate.

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

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

PRAYER :- To enlarge the petitioner on bail in C.C.No.625 of 2021 on the file of the Additional District Judge/Presiding Officer, Principal Special Court for E.C. and NDPS Act Cases, Madurai pending trial.

ORDER : The Court made the following order :-

The petitioner/A4, who is facing a case for the offence under Section 8(c) r/w 20(b)(ii)(c) and 29(1) of Narcotic Drugs and Psychotropic Substance Act, 1985 in C.C.No.625 of 2021 on the file of the learned Additional District Judge/Presiding Officer, Principal Special Court for E.C. and NDPS Act Cases, Madurai, 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 a.m., the police party went to Vaigai River opposite to Sha Theatre, wherein, they found that the accused were in possession of Ganja weighing 24kgs. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner was already released on bail as per the order of this Court date, 23.03.2022 in CrI.O.P.(MD)No.4580 of 2022. During bail, he could not able to appear on 20.06.2022 because of his



health issue and thereafter, he voluntarily surrendered before the trial Court and filed Warrant Recall Petition and the same was returned by the trial Court and the petitioner was arrested and remanded to judicial custody on 18.07.2022. Hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that the above said fact is totally false. On 02.06.2022, except the petitioner, all other accused appeared, due to non-appearance of the petitioner, the trial Court issued warrant. Thereafter, on 17.07.2022, the respondent police arrested the petitioner and on 18.07.2022, he was produced before the learned Judicial Magistrate and he was remanded to judicial custody. Suppressing the above facts, the petitioner has filed the present petition. He would further submit that the petitioner is having 12 previous cases. If the petitioner is released on bail, there is every likelihood of absconding again. Hence, he strongly opposed to grant bail to him.

5.Considering the above facts and circumstances of the case and also the considering period of incarceration and also the fact that the charge sheet has already been filed and the same was taken on file as C.C.No.625 of 2021 and the case is pending for trial, 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 her 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 Principal Special Court for EC and NDPS Act Cases, Madurai.

(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 trial Court on all hearing dates without fail;

(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/-

21/11/2022

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21/11/2022

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



TO

1 THE ADDITIONAL DISTRICT JUDGE/ PRESIDING OFFICER,
PRINCIPAL SPECIAL COURT FOR EC AND 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.

ORDER

IN

CRL OP(MD) No.17239 of 2022

Date :21/11/2022

SJI

SA/SSS/SAR.2/21.11.2022/3P/5C