



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17.10.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17395 of 2022

C.Arumugakani

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
(Crime No.526 of 2020).

... Respondent/Complainant

For Petitioner : Mr.K.P.Narayanakumar,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

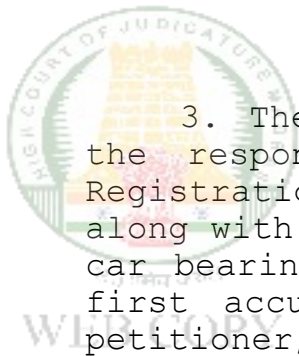
PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :- For Bail in C.C.No.147 of 2021 before the learned Principal Special Judge, Special Court (NDPS), Madurai, in Crime No.526 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.4, who is facing a case for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 25 of NDPS Act, 1985, in C.C.No.147 of 2021, on the file of the learned Principal Special Judge, Special Court (NDPS), Madurai, in Crime No.526 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.09.2020 at 15.00 hours, the police party conducted vehicle checkup opposite to Sengulam Rahul Hotel and near Joes Suresh College. On seeing the police, two persons who came by motor cycle tried to escape from the place. But the police nabbed both of them. Five persons came by a car following the motor cycle. Three occupants of the car escaped and two were nabbed. They found 9 pockets of Ganja in car and one pocket of Ganja in motorcycle. 10 packs of Ganja each weighing 2.100 kgs and totally 21kgs contraband were seized from them. Hence, the present case has been registered.



3. The learned Additional Public Prosecutor would submit that at the respondent police had intercepted the two wheeler bearing Registration No.TN-72-BF-2363, which was driven by the sixth accused along with the seventh accused and that following the two wheeler, a car bearing Registration No.TN-05-AP-7270, which was driven by the first accused accompanied by four persons including the present petitioner, was also intercepted, that the respondent police arrested the petitioner and the accused 5 to 7 and others had escaped from that place and that they have seized 21kgs of Ganja from two vehicles. He would further submit that the sixth accused, who drove the two wheeler was arrested at the scene of occurrence along with three other accused and contraband of 21kgs was recovered from them.

4. The learned counsel appearing for the petitioner would submit that similarly placed sixth accused was already arrested and released on bail by this Court.

5. No doubt, the petitioner's earlier application for bail in CrI.O.P.(MD)No.6884 of 2022 was dismissed by this Court vide order dated 29.04.2022.

6. As rightly contended by the learned counsel for the petitioner, this Court in CrI.O.P.(MD)No.14850 of 2022 has granted bail to the sixth accused, who is the pillion rider of the two wheeler bearing Registration No.TN-72-BF-2363.

7. In the case on hand, it is the specific case of the prosecution that the petitioner is not having any previous cases under the NDPS Act.

8. 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 and that the sixth accused has already been granted bail by this Court and also taking note of the fact that the petitioner is in custody from 09.09.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

9. 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 Principal Special Judge, Special Court for EC & NDPS Act Cases, Madurai.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Judge/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 working days at 10.30 a.m., until further orders;



- (iii) the petitioner shall not tamper with evidence or w
(iv) the petitioner shall not abscond during trial;
(v) On breach of any of the aforesaid conditions, the learned Special Judge/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 Judge/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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/10/2022

/ TRUE COPY /

17/10/2022

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 PRINCIPAL SPECIAL JUDGE,
SPECIAL COURT FOR EC & NDPS ACT CASES,
MADURAI.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.NARAYANAKUMAR K.P. Advocate SR.No.11513

ORDER

IN

CRL OP(MD) No.17395 of 2022

Date :17/10/2022

CSM

SA/SBN/SAR. /17.10.2022/3P/6C