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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/10/2022
PRESENT

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

CRL OP(MD) . No.18827 of 2022

Ramesh

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.309 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karthickkumar 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.309 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 26.08.2022 for the offences punishable under Section 8(c) and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, in crime No.309 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 7 kgs of ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 26.08.2022 and hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the alleged contraband was recovered from the petitioner and other accused and the petitioner is having three previous cases under IPC offences and the investigation in this case is not yet completed.



Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the period of incarceration and also the fact that the quantity of ganja involved in this case is intermediate quantity, this Court is inclined to grant bail to the petitioner on certain conditions.

6. 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 Principal Special Court For Trial of Narcotic Drugs and Psychotropic Substances 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 respondent police on every Sunday 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].

sd/-

20/10/2022

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20/10/2022

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

TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR TRIAL OF
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT CASES,
MADURAI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.

<https://www.mhc.tn.gov.in/judis>



3 THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to M/S.KARTHICKKUMAR A Advocate SR.No.11757

ORDER

IN

CRL OP(MD) No.18827 of 2022

Date :20/10/2022

CP

SA/SBN/SAR. /20.10.2022/3P/6C