



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.19818 of 2022

Manikandan @ Mani

... Petitioner/Accused No.14

Vs

The State rep.by
The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
(Crime No.1388/2020).

... Respondent/Complainant

For Petitioner : M/s.Kannan M,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.1388/2020 on the file of the Respondent Police.

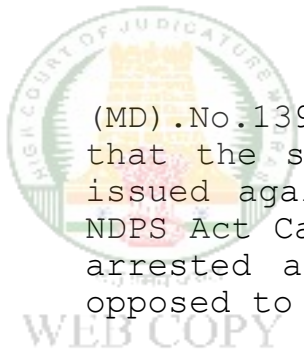
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 22.08.2022 for the offences punishable under Section 8(c), r/w. 20(b)(ii)(c) and 29(1) of NDPS Act, 1985, in crime No.1388 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.09.2020, when the respondent police was in routine check up, the petitioner and other have found in possession of 22 Kgs of Ganja and the same was seized. 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 and his name has been false implicated in this case. He would further submit that the petitioner is in judicial custody from 22.08.2022, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that already the petitioner was granted bail by this Court in Crl.O.P



(MD).No.1396 of 2022, dated 15.02.2022. He would further state that since petitioner has not co-operated for trial, NBW was issued against him by the learned II Additional Special Judge for NDPS Act Cases, Madurai in C.C.No.120 of 2021 and thereafter, he was arrested and remanded to judicial custody and hence, he strongly opposed to grant bail to the petitioner.

5.Considering the submissions made by the learned counsel on either side and also considering the facts and circumstances and also considering the period of incarceration, 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 II Additional Special Court for NDPS Act Cases, Madurai and on further condition that;

(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 concerned Court 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 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/11/2022

/ TRUE COPY /

17/11/2022

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 JUDGE,
THE II ADDITIONAL SPECIAL COURT FOR NDPS ACT CASES,
MADURAI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, MADURAI.

3 THE INSPECTOR OF POLICE,
KODAL PUDUR POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.KANNAN M Advocate SR.No.13188

ORDER

IN

CRL OP(MD) No.19818 of 2022

Date :17/11/2022

TRP

SA/VR/SAR. /17.11.2022/3P/6C