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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

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

CRL OP(MD). No.21089 of 2022

Vaithiyanathan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
(Crime No.845/2022).

... Respondent/Complainant

For Petitioner : M/s.Kumaravel K, 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.845/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 12.11.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, in crime No.845 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 1.100kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he is in judicial custody from 12.11.2022. Hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that the petitioner was in illegal possession of 1.100kgs of Ganja and he is having one previous case and the investigation is still pending. Hence, he strongly opposed to grant bail to the petitioner.



5. Considering the facts and circumstances of the case, considering the period of incarceration and also the fact that the quantity of Ganja involved in this case is 1.100kgs, which is in between 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 Additional District and Sessions Judge/Special Judge under E.C Act Cases, Thanjavur and on further conditions that:

(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 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 Judge/concerned 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/concerned Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

29/11/2022

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29/11/2022

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE /
SPECIAL JUDGE UNDER EC ACT CASES, THANJAVUR.
- 2 THE OFFICER INCHARGE, SUB JAIL, MAYILADUTHURAI.
- 3 THE INSPECTOR OF POLICE, MAYILADUTHURAI POLICE STATION,
MAYILADUTHURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.KUMARAVEL, Advocate (SR-13904[I] dated 29/11/2022)

ORDER IN

CRL OP(MD) No.21089 of 2022

Date :29/11/2022

SJI

<https://www.mhcb.org.in/> (29.11.2022) 2P-6C