



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.457 of 2023

Sheak Mohamed Rafeek

... Petitioner / Accused No.14

Vs

State through
The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
(Crime No.224 of 2022.)

... Respondent / Complainant

For Petitioner : M/s.Suriya Narayanan R, Advocate

For Respondent : T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

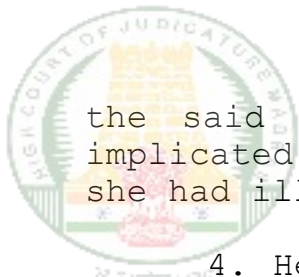
C-32B. For Bail in Crime No.224 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A14, was arrested and remanded to judicial custody on 04.08.2022.

2. The case of the prosecution is that the petitioner was arrested on 04.08.2022 for the alleged offence under Section 8(c) r/w 20(b) (ii) (c), 25 of NDPS Act, on the allegation that he was found in possession of having 34 Kgs of ganja.

3. The learned counsel appearing for the petitioner would submit that there are totally 19 accused and the petitioner is arrayed as A14. On the basis of the confession statement given by A.1, the other accused have been implicated as accused. The learned counsel appearing for the petitioner further submitted that though the learned Additional Public Prosecutor produced call details of the petitioner, the petitioner called only A12. She is not involved



the said crime as alleged by the prosecution and she is implicated only on the basis of the confession statement of A.15 and she had illegal intimacy with A12.

4. Heard. Perused the materials available on record including the First Information Report.

5. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration, this court is inclined to grant bail to the petitioner.

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 blood related sureties, each for a like sum to the satisfaction of learned Principal Special Court EC & NDPS Act Cases, Madurai, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 p.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/03/2023

/ TRUE COPY /

17/03/2023

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

NSJ

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



To

1.The Judge,
Principal Special Court EC & NDPS Act Cases,
Madurai.

2.The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.

3.The Superintendent,
Central Prison,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SURIYA NARAYANAN R, Advocate (SR-4354[I] dated
16/03/2023)

ORDER

IN

CRL OP(MD) No.457 of 2023

Date :15/03/2023

ED/SBN/SAR- (17/03/2023) 3P 6C