



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/01/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.371 of 2023

Balaganapathy

... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Kodavasal Police Station,
Tiruvarur District.
(Crime No.600 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran.K.M,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

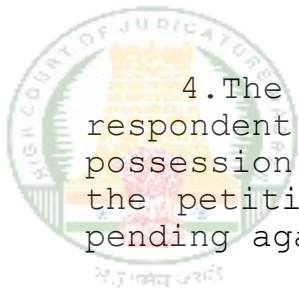
For Bail in Crime No.600 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 17.12.2022 for the offences punishable under Sections 8 (c) r/w. 20(b)(ii)(B) of NDPS Act and Section 25(1A) of Arms Act in Crime No.600 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 4.200kgs of ganja. Hence the case.

3. The learned counsel appearing for the petitioner would submit the petitioner is innocent and a false case has been foisted against him. He would further submit that based on the confession given by the co-accused the petitioner herein is arrayed as accused. He would further submit that no previous case is pending against the petitioner and the petitioner is the college student, hence he seeks anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in illegal possession of 4.200kgs of ganja, hence he opposed to grant bail to the petitioner. He would further submit that no previous case is pending against the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties (of which one shall be the mother or father) each for a like sum to the satisfaction of the learned Additional District Judge, Presiding Officer, Special Court under Essential Commodities Act, Thanjavur and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 5.30 p.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

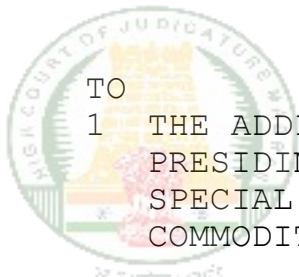
(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/01/2023

/ TRUE COPY /



TO

1 THE ADDITIONAL DISTRICT JUDGE,
PRESIDING OFFICER,
SPECIAL COURT UNDER ESSENTIAL
COMMODITIES ACT, THANJAVUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHIRAPPALLI

3 THE INSPECTOR OF POLICE
KODAVASAL POLICE STATION, TIRUVARUR DISTRICT.

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

+1. CC to M/S.KARUNAKARAN.K.M Advocate SR.No.882

ORDER

IN

CRL OP (MD) No.371 of 2023

Date :20/01/2023

MGJ/VR(20.01.2023) 3P 6C