



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/01/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.421 of 2023

Vinoth

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.
(Crime No.534 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 :-

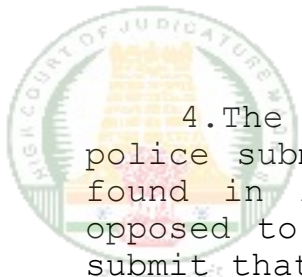
For Bail in Crime No.534 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

petitioner/A4, who was arrested and remanded to judicial custody on 18.12.2022 for the alleged offences under Section 8(c) r/w 20(b)(ii)(B), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.534 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with another accused were found in illegal possession of 5.100kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given only based on the confession statement of the co-accused. He would further submit that the petitioner is in custody from 18.12.2022. However, the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor for the region at police submitted that the petitioner along with other accused were found in illegal possession of 5.100kgs of Ganja and hence, he opposed to grant bail to the petitioner. However, he would further submit that the petitioner is having no previous case.

5.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.Accordingly, the petitioner shall make a donation/non-refundable deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the Madurai Bench High Court Advocates Association (MBHAA), A/c No.496038755, IFSC Code - IDB000H040, Indian Bank, Madurai Bench of Madras High Court, Madurai without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the trial Court. However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by him.

7.On production of such receipt/acknowledgement, the petitioner is ordered to be released on bail, on executing a personal 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 Judge, Presiding Officer, Special Court for under Essential Commodities Act, Thanjavur, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

09/01/2023

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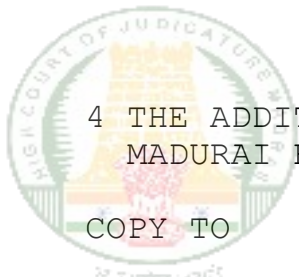
09/01/2023

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

SJI

TO

- 1 THE ADDITIONAL DISTRICT JUDGE, PRESIDING OFFICER,
SPECIAL COURT FOR UNDER ESSENTIAL COMMODITIES ACT, THANJAVUR
- 2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE, SIRKAZHI POLICE STATION,
MAYILADUTHURAI DISTRICT.



CRL OP(MD)



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

COPY TO

THE OFFICER INCHARGE,
MADURAI BENCH HIGH COURT ADVOCATES ASSOCIATION (MBHAA),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.KARUNAKARAN.K.M., Advocate (SR-388[I] dated 09/01/2023)

ORDER

IN

CRL OP(MD) No.421 of 2023

Date :09/01/2023

RS/VR/SAR.(09.01.2023) 3P-7C