



D.No.



ar.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/03/2023

WEB COPY

PRESENT

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

CRL OP(MD) . 2503 of 2023

Ramkumar @ Potha Ramkumar

... Petitioner/Accused No.9

Vs

State rep. through
The Inspector of Police,
Koodal Pudur Police Station,
Madurai City.
(Crime No.1388 of 2020).

... Respondent/Complainant

For Petitioner : Mr.M.Kannan, 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.1388 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A9, who was arrested and remanded to judicial custody on 17.12.2020 for the offences punishable under Section 8(c) r/w 20(b)(ii)(c) and 29(1) of NDPS Act 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 at about 03.00 p.m., when the respondent police was on regular surveillance duty in the area of the first accused, they found that near the house of the first accused, the first accused and 15 members were found with white color gunny bag and on seeing the police, they fled away from the spot and that the police chased and arrested A1 to A3 and seized the contraband of 22 kgs of Ganja from them. Hence, the complaint.

3.The petitioner's case is that he is innocent, that he has not committed any offence as alleged by the prosecution, that there was no recovery from the petitioner, that the petitioner was falsely implicated only on the basis of the alleged confession statement

<https://www.mh.judiciary.gov.in/e-cds>



taken from the co-accused and that the petitioner is not having any previous case for similar offence.

4.The learned Additional Public Prosecutor would submit that there are totally 15 accused, that the contraband seized is of commercial quantity, that the respondent after completing investigation, has filed the charge sheet before the jurisdictional Court and the same was taken on file in C.C.No.120 of 2021 and that the petitioner is having 7 previous cases for the offences under IPC.

5.When the petitioner has moved his bail application earlier in Crl.O.P.(MD)No.7535 of 2022, considering the submission of the learned Additional Public Prosecutor that Non-Bailable Warrants were pending against A5 and A6 in C.C.No.120 of 2021, this Court, directing the respondent police to execute the warrant pending against A5 and A6 and/or take necessary steps to split up the case as against A5 and A6, dismissed the petition.

6.The learned Additional Public Prosecutor would further submit that A5 was in judicial custody in connection with the murder case and on P.T. Warrant he was produced before the concerned Court and he was remanded to the judicial custody so far as the present case is concerned and that Non-Bailable Warrant against A6 was executed and he was also arrested and is in judicial custody and that the case is pending for trial.

7.Though the trial Court was directed to complete the trial in C.C.No.120 of 2021, so far the trial has not begun.

8.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 subject to the following conditions:

9.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 Judicial Magistrate No.IV, 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431, and shall produce the receipt before the concerned Magistrate at the

<https://www.mhc tn.gov.in/judic> time of executing the bond;



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

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

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

[f] 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].

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

sd/-

13/03/2023

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13/03/2023

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

Rmk

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE, KOODAL PUDUR POLICE STATION,
MADURAI CITY.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
RAY OF LIGHT FOUNDATION,
NO.10, NAGESWARA ROAD,
NUNGAMBAKKAM, CHENNAI,
TAMIL NADU 600 034.
PH 8939065431.

+1 CC to M/s.M.KANNAN, Advocate (SR-4099[I] dated 13/03/2023)

ORDER

IN

CRL OP(MD) No.2503 of 2023

Date :13/03/2023

RS/MMS/SAR-(13.03.2023) 3P 8C