



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/03/2023
PRESENT

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

CRL OP(MD) . No.2431 of 2023

1. Akchaikumar,

2. Shinu Bright,

... Petitioners/Accused 8 & 9

Vs

The State rep.by
The Inspector of Police,
NIB CID Police Station,
Nagapattinam District.
In Crime No.06 of 2022.

... Respondent/Complainant

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

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

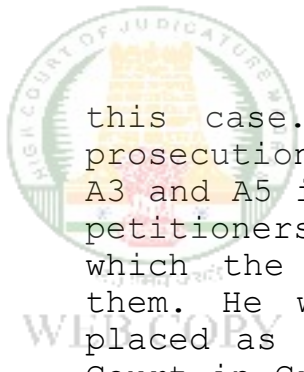
PRAYER :- For Bail in Crime No.06 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A8 & A9, who were arrested and remanded to judicial custody on 18.01.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act, in Crime No.06 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 18.01.2022 the defacto complainant, on a secret information along with the police team were on looking for suspect near Bharathidhasan University. At that time, two vehicles came from the south direction. Both the vehicles were intercepted. Totally, eight persons were in occupation of the above said two vehicles. On enquiry, they disclosed their names. They were searched. A Car bearing registration No.KL-01-BW1431 was found carrying ganja weighing about 167 kgs. Further process was undertaken and all the accused persons were arrested on the spot itself and remanded to judicial custody.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in



this case. He would submit further that the allegation of the prosecution is that the petitioners were a co-passenger along with A3 and A5 in a vehicle bearing Registration No.AP-31-BY-1287 and the petitioners along with other accused were following the Car, in which the contraband was transported, to purchase the same from them. He would further submit that A3 to A5, who are similarly placed as that of the petitioners, moved bail petition before this Court in CrI.O.P(MD)No.11862 of 2022 CrI.O.P.(MD)Nos.11862 and 22435 of 2022 and this Court, finding that co-accused have satisfied the condition required under Section 37 of NDPS Act, had granted bail to them on 03.08.2022 and 06.02.2023. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed on them and he is ready to appear before the trial court on all hearing dates without fail. He prays for grant of bail to the petitioners.

4.The respondent has filed a counter affidavit dated 08.03.2023 before this Court.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that the respondent police intercepted 2 Cars and in the Car bearing Reg. No. KL-01-BW1431, contraband was recovered and the petitioners were travelling in another Car bearing Reg. AP-31-BY-1287 and all the accused including the petitioners were arrested on the spot. However, he would submit that A3 to A5, who have been similarly placed accused, have been released on bail by this Court. He would also submit that trial has commenced in this case and P.W.1 has been examined by the Court. He opposes for grant of bail to the petitioners.

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

7.There are nine accused in this case. The petitioners are arrayed as A8 and A9. Even according to the case of the prosecution, A1 and A2 were proceeded in one car and A3 to A9 were proceeded in another car. Admittedly, the entire contraband of 167kgs of Ganja was recovered from A1 and A2. Insofar as the accused 3 to 9 are concerned, no contraband was recovered. That apart, the prosecution has failed to proceed any material to connect A3 to A9 along with A1 and A2. That apart, A3 to A5 were already arrested and released on bail by this Court in CrI.O.P.(MD)Nos.11862 and 22435 of 2022, dated 03.08.2022 and 06.02.2023.

8.Taking into consideration of the facts and submissions made by the learned counsels, this court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like



sum to the satisfaction of the learned Special Court for EC Act Cases, Thanjavur, and on further conditions that:

[b] 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.

[c] the petitioners shall report before the respondent police everyday at 06.30 p.m. until further orders and report before the concerned Court on all hearing dates;

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/03/2023

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21/03/2023

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

SJI

TO

1 THE JUDGE, SPECIAL COURT FOR EC ACT CASES, THANJAVUR.

2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE,
NIB CID POLICE STATION, NAGAPATTINAM DISTRICT.

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

+1. CC to M/S.KARTHIRESAN.K Advocate SR.No.4656

ORDER IN

CRL OP(MD) No.2431 of 2023

Date :21/03/2023

SA/SBN/SAR. /21.03.2023/3P/6C

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