



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/02/2023
PRESENT

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

CRL OP(MD) . No.2597 of 2023

P.Vijay

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Checkanurani Police Station,
Madurai District.
Crime No.236 of 2022.

... Respondent/Complainant

For Petitioner : M/s.JAYARAMACHANDRAN A,
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.236 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 07.01.2023 for the offence punishable under Sections 8(c), 20(b) (ii) (B) of NDPS Act in Crime No.236 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 was found in illegal possession of 2kgs of ganja. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence, as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 07.01.2023. Hence, prays for bail.

4.The learned Additional Public Prosecutor would vehemently oppose to enlarge the petitioner on bail, on the ground that he was illegally found in possession of 2kgs of ganja. He would also submit



that the petitioner is having three previous cases out of which one case is under similar offence.

5. Heard both sides and perused the materials available on record.

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6. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 Principal Special Court for NDPS Act, Madurai 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 10.30 a.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.

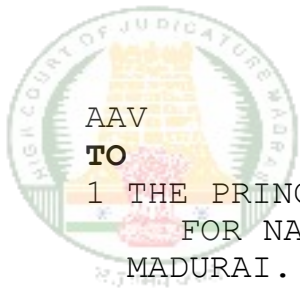
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09/02/2023

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



AAV

TO

1 THE PRINCIPAL SPECIAL COURT
FOR NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT CASES,
MADURAI.

2 THE OFFICER INCHARGE,
SUB JAIL, USILAMPATTI.

3 THE INSPECTOR OF POLICE,
CHECKANURANI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.JAYARAMACHANDRAN A Advocate SR.No.2037

ORDER

IN

CRL OP(MD) No.2597 of 2023
Date :09/02/2023

SA/VR/SAR. /09.02.2023/3P/6C